

26373

GENERAL LAWS
OF
THE STATE OF INDIANA,

PASSED AT
THE THIRTIETH SESSION

OF THE
GENERAL ASSEMBLY,

BEGUN ON THE FIRST MONDAY IN DECEMBER, 1845.

BY AUTHORITY.

INDIANAPOLIS:
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GENERAL LAWS.

CHAPTER I.

An Act to provide for the Funded Debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville.

[APPROVED JANUARY 19, 1846.]

WHEREAS, honor and justice alike require that such equitable provision should be speedily made for the discharge of the pecuniary obligations of the State as shall be just and acceptable to its creditors, honorable to the people of Indiana, and at the same time within the ability of the State, without farther involving the people in the general debt: AND, WHEREAS, an arrangement, based upon a moderate system of taxation, and the completion of the Wabash and Erie canal to Evansville, it is believed, will secure the objects aforesaid: AND, WHEREAS, in order to insure so desirable a result, a large portion of our bond holders have manifested a willingness to aid in the completion of said canal, within the ensuing four years, to the Ohio river: AND, WHEREAS, this proposition embraces, as a general arrangement, the payment, by taxation, of two and a half per cent. on the unprovided public debt of the State, and a reliance, for the remaining two and a half per cent. on the lands, tolls, and water rents of said Wabash and Erie canal, (after paying expenses of construction and repairs,) thereby greatly relieving the people of Indiana from burthensome taxation, and virtually discharging them from any liability for the said remaining interest, and looking alone to said canal, its tolls and other revenues, for half the interest on said entire public debt: AND, WHEREAS, There is reason to believe that the plan embraced in the following provisions is entirely within the means

of the State successfully to accomplish—that it will be acceptable to our creditors—honorable to the people represented by this General Assembly, and will add to the wealth, prosperity, and advancement of Indiana: Therefore,

Bonds may be surrendered and certificate taken.

After twenty years, State to pay 2 per cent. on principal.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever the holder of any bond or bonds of this State, (the bonds issued under the original bank charter excepted,) shall choose to surrender the same up to the State, there shall be issued to such holder a new certificate of stock, which stock shall be redeemable at the pleasure of the State after twenty years, and which certificate shall specify and set forth the amount of principal of such bond or bonds so surrendered, and also distinct from the principal, the amount of interest which may appear to be due and accruing on such bond or bonds from first of January, 1841, to first January, 1847, inclusive, computing the same at the rate of two and one half per centum per annum, and on which the State will pay interest as follows, that is to say: on the principal specified in such certificate, the State shall and will pay interest at and after the rate of two per centum per annum from the first day of January, 1847, up to and inclusive of the first day of January, 1853, at which period the amount of interest specified in such certificate, and the one half of one per centum per annum on said principal, from the first day of January, 1847, to the first day of January, 1853, shall be added to said principal, and from that time forth the State shall and will pay interest on said principal and interest so added, at and after the rate of two and one half per centum per annum, until the same shall be finally redeemed: *Provided, however,* That no bond shall be surrendered as aforesaid, or certificate issued therefor, that has not attached to it the coupons or interest warrants falling due on and after the first day of July, 1847: *And provided further,* That if the revenues of the State, up to the first day of January, 1853, to be derived from a property tax of twenty-five cents on every one hundred dollars of value, and a poll tax of seventy-five cents, shall not, by reason of the taxes being paid in six per centum treasury notes, or from other causes, be sufficient, after defraying the current expenses of the government, to pay said rate of interest of two per centum, then and in that case, the State shall only be required to pay, up to said first day of January, 1853, such rate of interest as the par funds in her treasury, derived from the taxa-

tion aforesaid, shall enable her to do; which shall be paid and distributed pro rata on the principal specified in such certificate of stock, and the deficit, with six per centum interest per annum from the time it became due, the State shall and will make up and pay to the holders of such certificates, on or by the first day of January, 1853.

SEC. 2. Every certificate issued under this act shall be signed in blank, and numbered by the treasurer and auditor of State, and shall be under the seal of the State; and at the time of its being delivered, shall be filled up and countersigned by the agent of State: whose duty it shall be to receive the bonds that may be surrendered, and issue the certificates of stock therefor, entering at the same time in suitable books to be provided for that purpose, credits to the respective parties so surrendering bonds, for the principal and the interest specified in their respective certificates.

SEC. 3. Coupons or interest warrants falling due on and after July first, 1841, and up to and including January first, 1847, that may have been clipped or separated from the bonds to which they were attached, may also be surrendered, and in place of them a certificate of stock shall be issued, computing the interest and amount in the same manner as if such coupons were still attached to the bonds to which they were originally attached; but on the amount of such certificates no interest shall be paid until after January first, 1853.

SEC. 4. The stock created pursuant to this act shall be transferable only in the city of New York, on books to be provided for that purpose by the State, by the holder or holders thereof; or his, her, or their duly constituted attorney, and in pursuance of such rules as may be adopted, or may be prescribed by law. But no transfer shall, at any time, be permitted, except on the surrender and cancelment of the outstanding certificate.

SEC. 5. The interest on the stock hereby created, shall be payable half yearly, at the city of New York, on the first days of January and July of each year, commencing on the first day of July, 1847. But if the interest for any half year shall not be demanded before the expiration of thirteen months from the time the same became due, it shall only be demandable afterwards, at the treasury of the State; and for the payment of the interest, and the redemption of the principal as herein provided, the faith of the State is hereby solemnly pledged.

SEC. 6. For the purpose of saving and securing themselves the remainder of the interest and the ac-

Certificates to be signed in blank.

How numbered and by whom countersigned, and duty of State Agent.

Interest when due, time and mode of payment thereof. If taken from bonds may be surrendered, &c.

Stock transferable in the city of New York, on books to be provided for that purpose by the State, by the holder or holders thereof; or his, her, or their duly constituted attorney, and in pursuance of such rules as may be adopted, or may be prescribed by law.

Where and when interest on stock payable.

State faith pledged.

Interest not provided for, how secured.

cruing interest not herein before provided for on the bonds surrendered as aforesaid, computing the same at and after the rate of two and one half per centum per annum, it shall be lawful for said bond holders, or any of them, and they shall have the privilege of raising among themselves by a pro rata subscription on the amount of bonds held by them respectively, at any time before the first day of January next, a sufficient sum—not less, however, than two millions, two hundred and fifty thousand dollars, to complete the Wabash and Erie canal to Evansville; and upon subscribing and promising to pay said amount, or so much thereof as may be needed, to trustees, as herein after provided, and to be advanced in such sums as shall insure the completion of said canal to Evansville, and all necessary side cuts, feeders, feeder-dams, reservoirs, and all side cuts, which may be hereafter particularly mentioned, within four years from the taking effect of this act; the canal lands, and tolls and revenues of said canal shall be specifically set apart and conveyed to said trustees, in trust and security, to re-imburse to said subscribers their said advances, and to pay the remaining interest on the said bonds, in the manner hereafter specified.

Trustees how
and by whom
elected.

SEC. 7. As soon as said sum shall have been subscribed, it shall be lawful for said subscribers to elect two discreet persons, both of whom shall be citizens of the United States, and one of whom shall be a citizen and resident of this State, as trustees; and, on notice thereof, accompanied with a copy of the subscription aforesaid, given to the governor, he shall appoint, if in the recess of the legislature, but if not, the two houses shall elect by joint ballot a third discreet person; and these three shall constitute a board, to be known by the style and description of the board of trustees of the Wabash and Erie canal, and who shall hold their offices for the term of three years from the time of their said election or appointment, and until others are elected and appointed in their places: *Provided, however,* In the case of the trustee on the part of the State, if he shall have been appointed in the recess of the legislature, he shall only hold his office until his successor shall be elected as aforesaid, by the two houses of the next general assembly.

Their term of
office and corpo-
rate name.

SEC. 8. So soon as said trustees shall have been elected or appointed as aforesaid, it shall be the duty of the governor, in the name and under the seal of the State, to execute and deliver to said trustees, by the corporate

Canal, its appur-
tenances, by
whom convey-
ed.

name of the board of trustees of the Wabash and Erie canal, a deed or patent for the bed of the Wabash and Erie canal, and its extensions, finished and to be finished from the Ohio State line to Evansville, including its banks, margins, tow-paths, side-cuts, feeders, basins, right of way, locks, dams, water power, and structures, and all materials provided or collected for its construction; and all the property, right, title, and interest of the State in and to the same, with all its appurtenances; and also, all the lands and lots (not sold or disposed of,) heretofore given, granted, or donated by the General Government to the State, to aid in the construction of said canal, or any part of it, or which may be hereafter acquired under or by reason of any existing grant, and all moneys due and to grow due and remaining unpaid on account of any sale or sales heretofore made of any canal lands so donated, and all moneys due, or to grow due on account of any existing leases of any water power or other privilege on said canal, its side-cuts, feeders, basins, or other appurtenances; said board of trustees to have, hold, possess, and enjoy the same as fully and absolutely as the State can or could do: subject, nevertheless, to all existing rights and equities against the State on account of the same, or any part thereof, or liabilities of the State growing out of, or in relation thereto: and the same to be held by said trustees in trust and security for the uses and purposes following, that is to say—

Particulars of
incidents to be
transferred with
canal.

First. The proceeds of said lands, (sold and unsold,) to be applied to the re-payment of the principal sum or sums that may have been advanced for the completion of said canal, its side-cuts and feeders, and to the payment for work, labor, and materials, to be done and furnished in and about the further prosecution and construction of said canal.

Means whereby
canal is to be
completed.

Second. The balance of the proceeds of said lands, (if any,) and the tolls and revenues of said canal up to and including the first day of January, 1853, after defraying all needful and proper expenditures for repairs, attendance, and other causes, to be applied as follows, and in the following order: that is to say—

Tolls, revenue,
&c., how ap-
plied.

FIRST. To pay in full the interest, at and after the rate of six per centum per annum on the sum or sums advanced for the completion of said canal to Evansville, or on so much of said sum or sums as may at any time remain unpaid: and the remainder (if any,) to be applied to pay the balance of the principal (if any,) of the sum or sums advanced for the completion of said canal.

SECOND. To pay in full to the subscribers making said advances, or their assignees, interest at and after the rate of two and one half per centum per annum on the principal of the bonds they may have surrendered as aforesaid; and for the purpose of always knowing by whom any bond or bonds was surrendered, it shall be the duty of the agent of State at the time of the surrender to him of any bond or bonds as aforesaid, to take a full account of the numbers thereof, and by whom the same were surrendered; which shall be furnished to said board of trustees, whenever the same shall be organized.

THIRD. To pay in full the interest at the rate of five per centum per annum, on the special stock hereinafter named, (being stock created for that portion of arrearages and accruing interest, charged over against the canal, and for which no provision is made by the State,) and to pay the principal of said stock in full as fast as the same can be done—first paying the interest and principal in full to such holders of said special stock or their assignees as shall have subscribed to the advance aforesaid.

FOURTH. To pay in full to any other holder of any certificate of stock by this act authorized to be issued, interest at and after the rate of two and one half per centum per annum on the amount of the principal thereof.

FIFTH. To pay into the treasury of the State any balance which may remain on hand; which balance shall be applied by the State to the redemption and retirement of any of the outstanding stocks created by this act, at the pleasure of the State: *Provided*, That if the State at any time hereafter becomes the holder of any of said stock, she may at her election deem it to be extinguished, or she may regard it as still outstanding, and be entitled to receive and draw upon it whatever of interest the tolls and revenues of said canal may pay upon it: *And, provided further*, That if the tolls and revenues of said canal shall be insufficient for all the purposes aforesaid, then they shall be applied, pro rata, among the respective parties entitled thereto. First paying in full those first entitled, and so on *toties quoties*. From and after the first day of January, 1853, an account of the tolls and revenues of, and expenditures on, that portion of the canal between Lafayette (inclusive,) and the Ohio State line, shall be kept separate and distinct from a like account of that portion between Lafayette (exclusive,) and Evansville: and from and after that

Tolls, &c., on canal from Lafayette to the Ohio line, and those from Lafayette to Evansville to be kept separate, and how applied.

period, the tolls and revenues derived from the first named portion, after defraying necessary expenses, repairs, and outlays, shall first be applied to make the full interest of five per centum per annum on the certificates of stock that may be issued for the bonds now outstanding, and known as the Wabash and Erie canal bonds; and if insufficient for that purpose, the same shall be apportioned and paid pro rata on the amount of said certificates, and if more than sufficient, the excess shall be added to the tolls and revenues derived from that portion between Lafayette (exclusive,) and Evansville, and the sum thereof shall be paid as herein before in this section is provided. But for the sufficiency of said lands or tolls and revenues of said canal to pay the advances aforesaid, or for the faithful application of the same by said trustees to said purposes, the faith of the State is and shall be in no wise pledged.

SEC. 9. Before the deed of trust herein provided to be given, shall be delivered to said trustees, said subscribers to said advance, shall pay over to said trustees, ten per centum of the amount of their said subscription; and thereafter, from time to time, as further sums shall be needed for the prosecution of said canal. They shall, on the requisition of said trustees, pay over to them such sum or sums as they may call for, not exceeding, however, at any one time, five per centum on the entire subscription. And if said subscribers, for the space of ninety days after any such call by said trustees, shall fail to pay the sum or sums so required, they shall forfeit all sums previously advanced, and also all the priority and preference which by this act is given them. And if any one or more of such subscribers shall fail to pay as specified in this section, it shall be lawful for any one or more of the other subscribers to said advance, or others, to pay the same, and such payment shall give to the person or persons so paying the like lien on said canal, its lands and revenues, for the amount so at any time paid, as the original subscribers might have if paid by them; and the trustees appointed under the provisions of this act shall pay to him, her, or them, his, her, or their proper share of the avails thereof. And if by reason of the failure of said subscribers to make said advances, said trustees shall not be able to effect the completion of said canal within the period herein before mentioned, then, and in that case, the lands and property hereby granted to said trustees shall revert back to, and become again the property of the State. And no such failure, or any act or omission, or consequence of such failure, act, or omission

Tolls and revenues, how applied.

Faith of State not pledged.

On what conditions deed of trust to be delivered.

Failure to pay forfeits payments made, and another may pay and derive the benefits.

All conveyed by the deed of trust, reverts to the State, if canal be not completed in the time specified.

on the part of said subscribers to said advance, shall at any time in any manner operate as a pledge of the faith of the State for any sum or sums hereby provided to be paid out of the revenues or lands of said canal; but the execution of the deed as specified in section eight of this act, shall of itself operate as a release of the faith of the State from the payment of any part of such sum; and all other sums and interest, except the principal of the stock and the interest of two and one half per centum per annum, as provided in the first section of this act. For the amount of any such call, said trustees shall give to said subscribers the proper certificate, under their corporate seal, and from that time only shall interest be computed on such advance. But for the principal of any such advance, or the interest on the same, the faith of the State is or shall be in no wise pledged.

Faith of State not to be affected by such failure.

Trustees a corporation, their powers.

Bond, seal, oath of office, duties, may administer oath to officers of their appointment; ten per centum payable within 2 years from date of effect of trust.

SEC. 10. The said board of trustees shall be a corporation, and shall have a corporate seal, and conveyances of any of the lands or lots granted to them as aforesaid, shall be in the name of "The Board of Trustees of the Wabash and Erie Canal," and shall be under their corporate seal. Before entering on their duties, they shall take an oath or affirmation faithfully and impartially to discharge the same; and shall each also give bond to the State, with surety to be approved of by the governor, in the penal sum of twenty-five thousand dollars, for the proper discharge of their duties, and the faithful application of, and accounting for, all moneys which shall come to their hands by reason of said trust. It shall be the duty of said trustees to take charge of said canal, with all its appurtenances, and canal lands and property, and adopt and put in execution such plans and measures as they shall deem most expedient for the prosecution and completion of said canal, with its necessary side-cuts and feeders, to Evansville, within the period herein before prescribed; and for this purpose they shall appoint and employ all needful officers and agents; and may require them to give security, and take an oath for the faithful performance of their duties; and either of said trustees shall be empowered to administer such oath. They shall make all contracts for work and labor on said canal, and for the materials to be furnished therefor. They shall call in on said subscription a sum sufficient to insure the completion of said canal within the period herein specified, and not less than six hundred thousand dollars (including said payment of ten per centum,) to be paid within two years from the time said trust takes effect. They shall receive the moneys advanced by sub-

scribers as aforesaid, for the completion of said canal, and shall disburse the same. They shall attend to the sales of the canal lands embraced in the aforesaid deed of trust, which they may in their discretion (subject to the limitations herein after specified,) sell for ready money or on credit. They shall from time to time establish a tariff of tolls on said canal, and receive all the tolls and revenues of said canal, and all the other moneys arising under the trusts in this act created, and shall pay the same out in faithful execution of their said trust, keeping a record of all their doings and proceedings, which shall at all times be open to the inspection of the public authorities of this State. They shall keep a full, just and true account of all moneys by them received, for, or by reason of their said trust, and of their disbursements of the same; and shall annually report to the legislature the general condition of said canal and canal lands, and exhibit a full account of their receipts and disbursements, and shall do all the acts needful and proper in and about the sale of said canal lands, and the completion of said canal to Evansville, with necessary side-cuts and feeders, particularly the side-cuts and locks to the Wabash river, on sections one hundred and thirty-six or one hundred and thirty-seven, between Coal creek and Terre Haute; and on sections thirty-three or thirty-four, and forty-six, as heretofore surveyed, between Coal creek and Lafayette, heretofore contemplated: and the side-cut and basin, from station five hundred and seventy-eight to the bank of Eel river, opposite Point Commerce, as surveyed and reported by R. H. Fauntleroy; and in and about the care and preservation of said canal, its side-cuts and feeders, after the same shall have been finished; and in and about the police, general government, and regulation of the same. The trustees shall have power from time to time, to make, ordain, and establish such reasonable rules, by-laws, and regulations in relation to the collection of the tolls, transportation on said canal, the conduct of boats and rafts, and the general police of said canal, as are usual, or may be found necessary, and to enforce the observation of the same.

Record of their proceedings to be open to the inspection of public authorities.

Attend especially to sections 136 or 137, and 43 or 34 and 46, and station 578.

SEC. 11. The State hereby accepts the grant made by the General Government, by the act entitled, "an act to grant certain lands to the State of Indiana, the better to enable the said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river," approved March 3, 1845; and the lands selected by the State under said act, shall be classified under the

Lands given by General Government accepted by State.

Lands to be classified.

Subject to sale, not exceeding certain prices.

Pre-emption reservation to actual settlers thereon.

More than one applying for the same tract, the highest bidder the purchaser.

Trust to determine on certain contingencies.

Vacancies in Board, how filled.

direction and supervision of the governor, into three classes, taking into view, quality and location: and the lands of the first class shall at all times be subject to sale, at a price not exceeding two dollars and fifty cents per acre; the lands of the second class shall at all times be subject to sale, at a price not exceeding two dollars per acre; and the lands of the third class shall at all times be subject to sale, at a price not exceeding one dollar and twenty-five cents per acre: *Provided, however,* That none of said lands or any others, shall be sold at any time, at a less price than is provided in the acts of Congress donating the same. Saving and reserving to actual settlers and occupants, at the time of the passage of this act, of any of said lands granted to said trustees, the right to enter and purchase the tract of land, not less than a quarter-quarter section, nor more than a half-quarter section, by him actually settled and occupied, (and which he shall continue to occupy at the time of said entry,) at the price per acre, at which the same has been or may be valued or classified, irrespective of the improvements that may have been made by such settler; which right shall continue for the space of one year from the time when the deed of trust aforesaid shall be delivered to said trustees; and for which such settler shall only be required to pay at the time of entry or purchase, one-fifth part of the purchase money in hand, and the residue he shall be required to pay in five equal annual instalments, with interest annually in advance on the whole balance of the purchase money remaining due and unpaid: *Provided, however,* When two or more persons, not entitled to any right of entry, shall apply at the same time to purchase the same tract, it shall be sold to that one of the applicants who shall bid and pay, or secure to be paid, (as the case may be,) the highest price.

SEC. 12. The trust hereby created, shall cease and be determined, whenever the moneys advanced for the completion of said canal, with the interest and the special stock aforesaid shall have been paid and refunded, and the State shall have taken up and retired one half of the stock, issued by virtue of the first section of this act, and shall assume the payment of interest at the rate of five per centum per annum on the balance; which the State reserves the right of doing at its pleasure. Whenever any vacancy shall occur in the board of trustees by death, resignation, or other cause, such vacancy shall be filled by the general assembly, or by

the subscribers aforesaid, or their assignees, to whom belonged the election of the trustee whose seat shall become vacant, as the case may be.

SEC. 13. The tolls and revenues of said canal shall be applied to the repairs and expenses thereof, and the extension of the same, until after the first day of January, 1847; from which period, and up to and including the first day of January, 1853, said tolls and revenues, after defraying all needful expenditures and outlays for repairs, attendance, and other necessary things appertaining thereto, shall be applied, subject to the limitations contained in the eighth section of this act, to the payment of the two and a half per centum interest unprovided for by the State, on the principal of the surrendered bonds, from the first day of January, 1847, to the first day of January, 1853; at which time the deficiencies (if any,) of said tolls and revenues, to discharge said interest, shall be added to the unprovided for two and a half per centum on the principal of said bonds surrendered, from the first day of January, 1841, to the first day of January, 1847, and the sum thereof shall be converted into the special stock herein before referred to: the principal and interest of which shall be only payable out of the said canal lands and tolls and revenues of said canal, as herein before provided; and for which proper certificates of stock shall be issued. But for the redemption of said principal or the payment of said interest, the faith of the State is in no wise pledged.

SEC. 14. It shall be lawful for any other person than a bond holder to subscribe to the advance aforesaid; and such party shall have the right to register with the trustees a brief description of bonds or certificates of stock under such subscription, at any time within one year from the first day of November next: and further, any bond holder shall have the right, within two years from the first day of November next, to register with said trustees a description of his or her bond or certificate of stock, and pay up to said trustees his pro rata share of said advance, together with interest from the time when the original subscription took effect; and which registry and payment shall place such party on the same footing as if he had originally subscribed thereto.

SEC. 15. The first board of trustees, organized under this act, shall fix the time and place, and by suitable rules and regulations to be entered upon their records, prescribe the mode and manner of subsequently electing trustees on the part of the subscribers aforesaid, and those who may thereafter become subscribers, or their

assignees; which rules and regulations shall at all times be subject to be altered or amended by said board.

Principal and interest of dues to trustees payable at city of N. York on 1st days of Jan. and July in each year.

SEC. 16. The interest and principal to be paid out of said canal lands, and tolls and revenues of said canal by said trustees, shall be payable half yearly, at the city of New York, on the first days of January and July of each year, commencing on the first day of July, 1847.

Acts of majority of Board binding, except in cases of conveyances.

SEC. 17. The majority of the said board of trustees shall have power and authority to act and decide in all cases; and the action or decision of the majority shall be binding on said board, and be deemed to be the action or decision of said board; excepting, however, that no sale or conveyance by said trustees of any of the land to be deeded by them as aforesaid, shall be valid or binding, unless concurred in, and the contract of sale or conveyance be signed by the trustee on the part of the State.

State to regulate tolls.

SEC. 18. The State reserves the right of altering or regulating the tariff of tolls, that may at any time be established by said board of trustees; which, however, shall always be in accordance with the tariff of tolls on similar works.

Expenses connected with canal lands, &c. to be paid by Trustees.

SEC. 19. All expenses attending the selections of land under the act of Congress aforesaid, all expenses of surveying said canal, remaining unpaid, all expenses of classifying said lands, and all other expenses connected with, or growing out of, the trust hereby created, shall be borne and paid by said trustees, out of the proceeds of said lands, or the tolls and revenues of said canal.

Act a public one, Governor to give information, &c.

SEC. 20. This act shall be a public act, and shall be liberally construed in all courts of justice; and the State shall and will supply, by future legislation, all such defects, found to exist, as shall enable the trustees aforesaid to carry into full effect the fair and obvious intent of this act; and the governor is hereby required to give all necessary information to the parties interested, and to do any act or thing which may be necessary to carry this act into effect, and to facilitate any proceeding contemplated by this act.

Troops transported free of charge.

SEC. 21. The troops of the United States, and their munitions of war, shall at all times be transported on said canal, free of any charge whatever.

Engineer, how employed, his bond, by whom approved.

SEC. 22. Said trustees shall employ a chief engineer of known and established character for experience and integrity, who shall be required to execute a bond to the State, to be approved of by the governor, in the penal sum of ten thousand dollars, for the faithful performance of his duties as engineer; and shall be subject

to be removed by the governor during the vacation of the legislature, or by the general assembly when in session, for misconduct, inefficiency, or neglect of duty. The said engineer, before entering on his duties, shall take an oath that he will faithfully and impartially perform the duties of his office, without respect to persons, and that he neither is, nor will be, interested directly or indirectly in any job, work, or contract, let or to be let on said canal, or connected therewith, during his continuance in office.

Removable by Governor in vacation, and by the Legislature in session, for misconduct.

SEC. 23. Said trustees shall have the right to locate and construct such feeders, feeder-dams, side-cuts, and reservoirs as may be necessary to supply said canal with water, and may take such timber, stone, or other materials as may be necessary for the construction of said canal, by making to the proper owners reasonable compensation therefor, on the same terms and in the same manner as the superintendent of said canal is now authorized by law to do; and the word "canal," wherever used in this act, shall be construed to mean and include all its feeders, feeder-dams, side-cuts and reservoirs.

Duties and privileges of Trustees as to locating canal, taking timber, &c.

SEC. 24. Every person who shall wilfully and maliciously injure or destroy any lock, culvert, or embankment of said canal, or shall wilfully or maliciously make any aperture or breach in any embankment of said canal, with intent to injure or destroy the same, shall, on conviction, be punished by imprisonment in the State prison, at hard labor, not more than five years, or by fine not exceeding five hundred dollars, and imprisonment in the county jail not more than two years; and shall be moreover liable to said trustees for the damages occasioned thereby, which damages, when recovered, shall be considered as a part of the revenues of said canal, and applied accordingly.

Punishment for injuries to canal, offenders liable to civil damages, &c.

SEC. 25. The time of final payment on all sales of Wabash and Erie canal lands, heretofore made, shall, upon the request of the holder of any certificate of purchase, be extended for the term of five years from and after the time when the same shall fall due: *Provided, however,* That the interest shall be paid annually in advance, as now required by law.

Duties of Trustees in relation to payment for lands heretofore sold.

SEC. 26. The State may at any time file her bill in chancery, in the Marion or any other circuit court in this State, against said trustees, to enjoin them from any violation of said trust, and also to compel them to execute the same.

State may enjoin Trustees and compel execution of trust.

SEC. 27. Should either of the said trustees, or any officer or agent, appointed by them, embezzle or fraudulently

Punishment for embezzling, &c. the funds, &c.

lently convert to his own use, or secrete, with intent so to convert to his own use, any of the funds, choses in action, securities, or effects, which may come into his hands or possession, under or by virtue of the trusts created by this act, the trustee, officer, or agent so offending, shall be deemed to have committed the crime of grand larceny, and upon conviction thereof, shall suffer the punishment prescribed for that offence, in the fifteenth section of article first, of chapter fifty-three of the revised statutes of 1843.

Dimensions of canal: bridges to be kept over roads.

SEC. 28. The capacity of that portion of said canal yet to be finished, shall be the same as established and provided in the original and late surveys, and the said trustees shall cause to be constructed and kept in repair, on the entire line of said canal, suitable bridges, over all State and county roads, crossing the same in the same manner as is now required on the line of said canal east of Tippecanoe.

Canal a highway and free to all conforming to its rules, &c.

SEC. 29. Said canal, finished and to be finished, shall be deemed and taken to be a public highway, and shall be free to all persons whomsoever, to pass and re-pass, with their own boats or other water craft, and with their own produce, goods, and chattels, wares and merchandize: such persons conforming to such uniform rules and regulations, and paying such uniform tolls as may be established and required.

Land office to be established.

SEC. 30. Said trustees shall establish at least one land office, for the sale of said canal lands, at some convenient point in this State, for the transaction of all business connected with said trust.

List of lands sold to be returned to Auditor of State.

SEC. 31. It shall be the duty of said trustees to return to the auditor of State, on or before the first day of November in each year, a list of all lands sold by virtue of the trust.

Option of State as to surrender of stock, &c., to redeem same, &c.

SEC. 32. It shall be optional with the State, at any time hereafter, to call in and require a surrender of the outstanding stock issued under the first section of this act, by giving to the holders of such stock a new certificate for the one half of the principal thereof, to bear interest at and after the rate of five per centum per annum, and which principal and interest shall be payable and redeemable by the State out of the revenues thereof; the principal to be payable at the pleasure of the State, and by giving to such holder another certificate for the other half of the principal of such stock, to bear a like interest of five per centum per annum, and to be paid and redeemed, and only paid and redeemed out of said canal lands, and the tolls and revenues of said

canal, as provided in the eighth section of this act, and from and after the time that the State shall call in said stock, issued under the first section of this act, and shall issue new certificates as aforesaid, the State, its faith and revenues shall be only pledged and responsible for the payment of one half of said principal and interest at the rate of five per centum per annum thereon; and for the other half of said principal and interest the holders of said certificates shall look solely and exclusively to said canal lands and the tolls and revenues of said canal, as provided in the eighth section aforesaid of this act: *Provided, however,* That the State shall have the option of redeeming said canal certificates out of the revenues of said State, in the same manner as if this section were not adopted: *And, provided further,* That the excess of the revenues of said canal lands and tolls, and revenues of said canal over paying said interest of five per centum per annum on said canal stock, (if any there be,) shall be applied to the redemption and absolute retirement of said canal stocks.

SEC. 33. This act shall take effect and be in force as soon as the subscription mentioned in section six shall be made, and ten per centum thereon paid to the trustees elected, as provided in section seven of this act, and not before: *Provided,* That until there is surrendered and cancelled, bonds of the State to the amount of one half of all the bonds outstanding, (except bank bonds,) it shall not be lawful for the governor to convey by deed, the Wabash and Erie canal, lands, tolls, &c., as provided in the eighth section of this act: *Provided further,* That the acceptance, as provided in the eleventh section of this act, of a grant of land made by the General Government, by the act, to grant certain lands to the State of Indiana, the better to enable said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river, shall not be construed to make it obligatory on the State, at any time hereafter, to complete said canal out of its revenues, derived from taxation.

Act not to be in full force until subscription as in sec. 7 be made, and 10 per cent. paid.

Until half the outstanding bonds be surrendered Gov'r not to convey by deed.

State not bound by its acceptance of lands, to complete canal out of its revenue from taxation.

SEC. 34. That nothing in this act shall be so construed, as to allow the trustees, proposed to be appointed or elected, in this act, to erect any dam, bridge, or any other structure, in the construction of the extension of the Wabash and Erie canal, so as in any manner to impede the navigation of the east fork of White river in its present state, or as it may be hereafter improved by the construction of dams for slack water navigation, as the right to do has been secured to a company chartered by

Navigation of White river not to be impeded.

the present legislature, in an act, entitled, "an act for the improvement of White river."

State to fix salaries of trustees.

SEC. 35. The State reserves the right of fixing, by law, the salaries to be allowed the trustees, mentioned in the seventh section of this act.

CHAPTER II.

An Act in relation to County Treasurers.

[APPROVED JANUARY 19, 1846.]

Office rendered vacant by neglect.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any person elected to the office of county treasurer, shall not give bond, and take the oaths required by law, at or before the next regular meeting of the board of county commissioners, after receiving his certificate of election, his office shall be considered vacant.

Not to file bond with county auditor.

SEC. 2. The eighteenth section of chapter four, and the seventy-third section of chapter seven, and so much of the seventy-second section of chapter seven, as requires county treasurers to file their official bonds with the county auditor, of the Revised Statutes of 1843, are hereby repealed.

CHAPTER III.

An Act repealing an act, amendatory of "An act for the completion of the Wabash and Erie Canal, from the mouth of Tippecanoe River to Terre Haute, approved January 1, 1842, and for other purposes." Approved February 8, 1843.

[APPROVED JANUARY 19, 1846.]

Tolls, &c., to be paid in par funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first of March, 1846, the tolls and water rents on the Wabash and Erie canal shall be paid in par funds, and the above recited act allowing payments to be made in canal scrip, is hereby repealed.

SEC. 2. It shall be the duty of the commissioner or superintendent having charge of said canal, to pay to the contractors on the work below Coal creek, the ten per centum retained, conditioned on their relinquishment of said contracts: *Provided, however*, That said ten per centum shall be paid in canal land scrip issued for the prosecution of the Wabash and Erie canal west of Tippecanoe river.

Ten per cent. to be paid contractors in scrip.

SEC. 3. This act to take effect and be in force from and after the first of March next.

CHAPTER IV.

An Act in relation to damages on Sinking Fund Sales.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the five per centum damages hereafter assessed on selling lands forfeited to the sinking fund, shall be and remain a part of the fund, and shall not be deemed any part of the compensation of the commissioners.

Five per centum damages shall be part of fund, and not compensation to commissioners.

CHAPTER V.

An Act to amend an act relative to the Asylum for the Education of the Deaf and Dumb.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the asylum for educating deaf and dumb persons, shall be and the same is hereby permanently located in the county of Marion, at or near Indianapolis.

Asylum located at or near Indianapolis.

SEC. 2. That the trustees of the "Indiana Asylum for educating the Deaf and Dumb," be and they are hereby authorized to contract for and purchase, not exceeding thirty acres of land, at or near Indianapolis, upon which to erect suitable buildings for the asylum. And that the sum of three thousand dollars be, and the same is hereby appropriated, payable to the trustees aforesaid, on the

Trustees purchase site for asylum.

warrant of the auditor, out of any moneys not otherwise appropriated.

Trustees by whom appointed, how, and terms of service.

SEC. 3. That in appointing the trustees of said institution, it shall be the duty of the governor to classify the term for which each trustee shall serve, so that the longest term shall be five years, and the shortest term one year; and so that the term of one trustee shall expire at the end of each year.

Trustees to report to Legislature.

SEC. 4. The trustees of said institution shall make out and lay before the legislature, annually, a full report of their proceedings.

SEC. 5. This act to be in force from and after its passage.

CHAPTER VI.

An Act in relation to taking up of Estrays.

[APPROVED JANUARY 15, 1846.]

Owner of property proving same within 8 days, exempt from costs.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if the owner or owners of any property taken up under the provisions of the twenty-first chapter of the revised statutes of 1843, and required by said statutes to be published in a newspaper, shall appear before the justice of the peace, before whom such estray was posted, and prove the same to be his or her property, within eight days from the time of posting the same, then it shall be the duty of said justice of the peace to return to the taker up of said property, the one dollar and fifty cents, paid by said taker up to said justice of the peace, as the fee for the clerk and printer; and the owner of the property shall not be charged therewith.

SEC. 2. This act to be in force from and after its passage.

CHAPTER VII.

An Act in relation to County Auditors.

[APPROVED JANUARY 19, 1846.]

Auditors elected last Aug. upon qualifying hold

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all those counties in this

State, where county auditors were elected at the last August election, the term of the present incumbents of said office of county auditor shall expire on the first Monday of March next; and the persons elected to said office of county auditor at the last August election, in the several counties of this State, upon qualifying according to law, shall be entitled to hold said office from the first Monday of March next, until the first Monday of March in the year 1851, and until their successors are elected and qualified.

their office from March next until 1st Monday in March, 1851.

SEC. 2. All county auditors hereafter to be elected, shall serve for the space of five years from the first Monday of March next succeeding their election, and until their successors shall be elected and qualified.

Term of service of Auditors hereafter elected, 5 years.

SEC. 3. That nothing in this act shall be so construed as to affect those clerks of the circuit courts, who now exercise the functions of auditor in those counties where the number of voters do not exceed twelve hundred, but they shall continue to exercise the duties of auditors ex officio until the number of voters of those counties shall exceed twelve hundred.

Clerks of circuit courts not affected by this act.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER VIII.

An Act to authorize the re-appraisal of School Lands in certain cases.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where delinquent or other school lands have been once offered for sale, and have not sold for want of bidders, and where lands have been once sold and have been forfeited for the non-payment of principal or interest due thereon, and the same will not sell for the original appraised value thereof, it shall and may be lawful, in either of such cases, for the proper officer to cause the same to be re-appraised in the manner now provided for the appraisement of school lands, and to sell the same under such re-appraisement, in the same manner as if said first appraisement had never been made.

School lands to be re-appraised in certain cases.

CHAPTER IX.

An Act amendatory of an act, entitled, "An act relative to the appointment of County Commissioners of the several counties of this State, to act as Boards of Library Trustees in their respective Counties, and for other purposes." Approved January 6, 1845.

[APPROVED JANUARY 20, 1846.]

Commissioners
by request to
elect librarian,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board of commissioners of the several counties in this State, who by the act to which this is an amendment, are constituted boards of library trustees for their respective counties, at the written request of at least five citizens, house holders or freeholders of their respective counties, to proceed at the earliest practicable moment to elect by ballot a librarian and treasurer, and to make such by-laws, ordinances, and regulations in writing, not inconsistent with the constitution and laws of this State or of the United States, for the government of the institution as to them may seem most expedient.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER X.

An Act in relation to Certificates and Patents of Michigan Road Lands.

[APPROVED JANUARY 20, 1846.]

On affidavit, duplicate certificates or patents for lands may issue.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where an affidavit is filed with the secretary of State, by any person or persons, stating that any land office certificate or patent, which has been heretofore issued, or which may hereafter issue, on account of the purchase of Michigan road lands in said State, is lost or mislaid, it shall be the duty of the secretary aforesaid, to issue and deliver to the person filing such affidavit, duplicate certificates or patents, in the name of the original purchaser, which said duplicates shall be evidence in any court of record in said State.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XI.

An Act to amend the 109th section of the 16th chapter of the Revised Laws of 1843, on the subject of the Road Tax.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of any person owing a road tax on land, and desiring to work out the same, to perform the amount of labor to be performed by him, upon the road situate in the road district in which such land may be situated, and not elsewhere.

SEC. 2. All laws coming within the purview of this act, be, and they are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XII.

An Act to amend an act relative to claims for damages on the Public Works.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of section twelve, of an act entitled, "an act to provide for a general system of internal improvement," approved January 27, 1836, by which no claim shall be recovered or paid, unless the application for such damage be made within two years next after the property shall have been taken possession of by the State, be, and the same is hereby amended, so that claims for damages for property taken on the Wabash and Erie canal west of Tippecanoe river, may be filed at any time within one year after the final completion of the work for which the said property was so taken: *Provided*, That the provisions of this act shall not extend to any case heretofore acted on: *Provided, further*, That said damages shall be paid out of the funds of the canal west of Tippecanoe.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XIII.

An Act to provide for the distribution of certain Public Documents.

[APPROVED JANUARY 19, 1846.]

Secretary to
send volumes
containing sta-
tistics, to coun-
ties, and how
kept.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when the secretary of State shall distribute the laws and journals of the present general assembly, he shall send to each county two or more of the surplus volumes now belonging to the State of Indiana, and containing statistical information, collected in taking the census of the United States in 1840; which volumes shall be deposited and kept as follows: one copy in the county libraries, one copy in the clerk's office, one or more copies in each university, college, and incorporated literary and library society in the State of Indiana.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XIV.

An Act to extend further time to the Borrowers of the Sinking Fund and other Trust Funds.

[APPROVED JANUARY 19, 1846.]

Time of pay-
ment extended
to 5 years on
certain terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of the sinking fund, surplus revenue, saline, college and school funds, shall extend the time of payment of the principal borrowed by mortgagors to said funds, five years from and after the first day of January, 1847, on the present mortgages, if deemed by them sufficient security: *Provided, however*, That nothing herein shall be construed to repeal or affect any of the provisions of the act of the thirteenth day of January, 1845, entitled, "an act to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes." *Provided, further*, That in all cases where the present security is not deemed to be sufficient, the mortgagor shall have the benefit of this act, by giving additional security satisfactory to any such agent or agents, nor shall the present security in any case be lessened.

Additional secu-
rity may be
given.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XV.

An act to apportion Senators and Representatives for the next five years.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of electing senators to the general assembly of this State, for the ensuing five years, the State shall be and is hereby divided into the following districts, each of which shall be entitled to one senator: Steuben, Dekalb and Noble, one senator; Elkhart and Lagrange, one senator; Kosciusko, Whitley and Huntington, one senator; Allen, Wells and Adams, one senator; Jay, Blackford and Randolph, one senator; Wayne one senator; Henry one senator; Delaware and Grant one senator; Wabash and Miami one senator; Richardville, Cass and Pulaski, one senator; Fulton, Marshall, Stark and St. Joseph, one senator; LaPorte, Porter and Lake one senator; Fayette and Union one senator; Franklin one senator; Dearborn one senator; Ripley one senator; Rush one senator; Decatur one senator; Madison and Hancock one senator; Tipton, Boone and Hamilton, one senator; Carroll and Clinton one senator; Tippecanoe one senator; Fountain one senator; Montgomery one senator; Parke and Vermillion one senator; Putnam one senator; Hendricks one senator; Marion one senator; Shelby one senator; Johnson one senator; Morgan one senator; Clay, Vigo and Sullivan, one senator; Owen and Greene one senator; Bartholomew and Jennings one senator; Monroe and Brown one senator; Ohio and Switzerland one senator; Jefferson one senator; Clark one senator; Jackson and Scott one senator; Lawrence one senator; Washington one senator; Harrison one senator; Floyd one senator; Orange and Crawford one senator; Knox one senator; Daviess and Martin one senator; Pike, Gibson and Dubois, one senator; Posey and Vanderburgh one senator; Warrick, Spencer and Perry, one senator; and Warren, White, Benton and Jasper, one senator.

SEC. 2. The counties of Miami and Wabash shall not elect a senator until the annual election in the year 1847, at which time the term of service of the senator from Parke shall expire; and the counties of Miami and Wabash shall be attached to the counties of Grant and Delaware, for senatorial representation, from the Wednesday succeeding the first Monday in August next,

Times and man-
ner of electing in
certain districts.

Counties attached to senatorial districts.

Representative districts, number of representatives in each at different times.

until a senator is elected at the annual election in 1847, and qualified. The counties of Elkhart and Lagrange shall be attached to the counties of Whitley and Kosciusko, for senatorial representation, until the annual election in 1847, when the senators from Wayne shall have served out the unexpired part of the present term, when at said annual election, it shall be lawful for the counties of Lagrange and Elkhart to elect one senator.

SEC. 3. In electing representatives to the general assembly for the ensuing five years, the county of Wayne shall elect three, and in the years 1846, and 1847, and 1848, four: the county of Tippecanoe, two, and in the years 1847 and 1849, three; the county of Vigo shall elect two in the years 1846, 1848, 1849, and three in 1847 and 1850; each of the counties of Parke, Putnam, Montgomery, Rush, Posey, Franklin, Henry, Washington and Clark shall elect two representatives; the county of Sullivan shall elect one representative in 1847 and 1850, and two in 1846, 1848 and 1849; and the counties of Kosciusko, St. Joseph, Warren, Grant, Delaware, Madison, Vermillion, Hendricks, Hancock, Union, Decatur, Johnson, Morgan, Clay, Greene, Owen, Jennings, Ripley, Jackson, Scott, Floyd, Lawrence, Knox, Dubois, Pike, Gibson, Vanderburgh, Warrick, Spencer, Perry and Harrison, shall elect one representative each; the counties of Cass and Richardville shall elect one representative, and two in the year 1846; the county of Fountain shall elect one representative; the counties of Clinton and Tipton shall elect one representative, and two in the years 1848 and 1850; the county of Laporte shall elect two representatives; the county of Allen shall elect one representative, and two in the year 1847; the county of Elkhart shall elect one representative, and two in the years 1848 and 1849; the counties of Lagrange and Noble shall jointly elect one representative, and one each in 1846 and 1850; the county of Carroll shall elect one representative; the county of Randolph shall elect one representative, and two in the years 1847 and 1849; the county of Marion shall elect two representatives, and three in the years 1846, 1848 and 1850; the county of Bartholomew shall elect one representative, and two in the years 1848, 1849 and 1850; the county of Jefferson shall elect two representatives, and three in the years 1846 and 1849; the county of Hamilton shall elect one representative, and two in the years 1846 and 1849; the county of Boone shall elect one representative, and two in the years 1847 and 1850; the county of Shelby shall elect

one representative; the county of Fayette shall elect one representative, and two in the years 1847 and 1850; the county of Dearborn shall elect two representatives, and three in the year 1848; the counties of Monroe and Brown shall each elect one representative in the year 1846, 1848 and 1850, and one jointly in 1847 and 1849; the counties of Daviess and Martin shall each elect one representative in the years 1847 and 1849, and one representative jointly, in the years 1846, 1848 and 1850; the counties of Orange and Crawford shall each elect one representative in the years 1847, 1849 and 1850, and two jointly in 1846 and 1848; the counties of Ohio and Switzerland shall jointly elect two representatives in 1847 and 1849, and one in 1846, 1848 and 1850; the counties of Steuben and Dekalb shall jointly elect one representative; the counties of Whitley and Huntington shall jointly elect one representative; the counties of Wells and Adams shall jointly elect one representative; the counties of Miami and Wabash shall each elect one representative in 1846, 1848 and 1850, and one jointly in the years 1847 and 1849; the counties of Marshall, Fulton, and Stark shall jointly elect one representative; the counties of Porter and Lake shall jointly elect one representative; the counties of Pulaski, Jasper, White, and Benton shall jointly elect one representative; and the counties of Jay and Blackford shall jointly elect one representative.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XVI.

An Act for the relief of Purchasers of Canal Lands.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter all Wabash and Erie canal lands, that are now, or that hereafter may become forfeited for the non-payment of either principal or interest, both east and west of Tippecanoe river, at the time the same may become due, under the laws now in force regulating the sale of lands, it shall be the duty of the person having charge of the land office where the same may have been purchased, to offer the same for

Lands forfeited to be offered for sale, unless re-deemed by claimants, 25 per cent. penalty repealed, and ten per cent. substituted.

sale, as other lands are offered at public sale, on the first Monday in January in each and every year hereafter; first having given four week's notice in one or more of the newspapers at Indianapolis, and three others most adjacent to where the lands lie: *Provided, however,* That if the original purchaser or purchasers, or assigns, shall, prior to the day of sale, pay or cause to be paid into the land office where the said lands were purchased, the residue of the principal and interest, together with ten per centum penalty thereon, for the amount remaining due, also costs of advertising the same, shall entitle the purchaser or assigns to a final certificate; and so much of the two hundredth and eighteenth section, article fourteen, chapter thirteen of the revised statutes of 1843, as relates to the twenty-five per centum penalty be, and the same is hereby repealed, and the ten per centum instituted in lieu thereof.

Where 25 per cent. penalty has been paid, purchaser entitled to a credit of 15 per cent. thereof.

SEC. 2. That all lands, where the purchasers have paid a penalty of twenty-five per centum for the non-payment of principal or interest, said purchasers, on the final payment of said lands, are hereby entitled to a credit of fifteen per centum, leaving a balance of ten per centum, as prescribed in the foregoing section of this act; the officer having charge of the land office taking a receipt for the amount so credited, which receipt shall be filed in the office of the treasurer of State and operate as a credit in behalf of the land officer.

Lands not heretofore sold, to be sold, and how sold.

SEC. 3. That all those tracts of land that have heretofore been reserved for canal purposes, together with all such as have been omitted to be appraised and proclaimed for sale, are hereby directed and ordered to be sold, as other lands have been sold by the proper officer having charge of the same: *Provided,* That notice of the time and place of such sale shall only be required to be given by said land officer, four weeks, by publication in three newspapers, most adjacent to where said lands are situate. Nothing in this section shall be so construed as to include any of those lands yet due from the General Government.

Lands due from General Government excepted.

Two or more applicants to enter same land, highest bidder the purchaser.

SEC. 4. That hereafter on all lands subject to private entry at the land office, if there shall be two or more applicants for the entry of the same tract at the same time, it shall be the duty of the clerk or other person having charge of the office, to sell the same to the highest bidder.

Purchaser making final payment when due, receive a credit

SEC. 5. That in all cases where the owner of any canal lands shall pay the whole amount, when the last payment is due, said owner shall receive a credit on such

final payment, of all penalties that may have been paid on such land for the non-payment of interest, on any part of the principal: *Provided,* Such person or persons shall not be the owner of more than one hundred and sixty acres of such land.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER XVII.

An Act in relation to the Northern Division of the Central Canal.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all laws now in force devolving upon the secretary, treasurer, and auditor of State, the superintendence of the northern division of the Central canal be, and the same are hereby repealed.

Laws creating Secretary, Treasurer and Auditor, Superintendent of canal repealed.

SEC. 2. There shall be elected, by joint ballot of the general assembly, an agent to take charge of said canal from Broad Ripple, in Marion county, to the Bluffs, in Morgan county; which said agent shall serve as such for the space of two years from the date of his election, and shall receive as a compensation, the sum of one dollar and fifty cents per day, while necessarily engaged in the discharge of his duties as said agent.

Agent how elected, term of service, and compensation.

SEC. 3. The said agent, before entering upon the duties of his office, shall enter into bond, with two or more sureties, to be approved of by the governor, in the penal sum of twenty thousand dollars, payable to the State of Indiana; which bond shall be conditioned for the faithful performance of his duties as said agent, and for faithfully accounting for and paying over all moneys that may come into his hands as said agent.

Agent give bond conditioned, &c.

SEC. 4. Said bond shall be filed in the office of the secretary of State, and a copy thereof, certified by the secretary, under the seal of the State, shall have the same force and effect, as an instrument of evidence in any judicial proceeding thereon, as the original.

Bond filed, certified copy evidence, &c.

SEC. 5. Said agent shall make a report to the auditor of State once every three months, of all moneys received and expended by him on account of said canal, and file in said auditor's office his vouchers for all such expenditures.

Shall make quarterly reports, file vouchers, &c.

Drawing money
from treasury
for repairs, &c.

SEC. 6. Whenever any money may be needed to be expended in keeping said canal in repair, the said agent shall make a statement to the auditor of State of the necessary amount, and thereupon the auditor of State shall give to said agent a requisition upon the treasury for the amount specified in said statement: *Provided, however,* That a greater amount shall not be expended upon said canal during any one year than has been received therefrom in the same time, unless in the opinion of the secretary, treasurer, and auditor of State, the expenditure of a larger amount shall be indispensable to prevent any irreparable injury to said canal, or to repair any unusual breach therein.

Wiers, &c. erected,
may employ
engineer, &c.

SEC. 7. It shall be the duty of said agent, as soon as possible after having entered upon the discharge of his duties, to cause to be erected on said canal, such regulating wiers or other superstructures, at all points thereon where water power may be used, as will furnish to each lessee of water power on said canal, the amount of water to which such lessee may be entitled by virtue of his lease; and in determining the form of such wiers or such superstructures, and in erecting the same, the said agent shall call to his assistance such engineer as he may select, and entrust to such engineer the superintendence of such wiers or superstructures while the same are being erected on said canal. Said engineer, in constructing said wiers, shall adopt such a plan that when there is not a full supply of water for all the lessees at any given point, the deficiency shall effect the junior lessee first, and so on, and that the date of the application to the board of public works, for water power, and their acceptance of the same, shall determine the age of the leases respectively.

Agent in determining
amount of water power,
how governed.

SEC. 8. In determining the amount of water to which the different lessees on said canal may be entitled, the said agent shall be governed by the agreements contained in the respective leases of such water power, and by no other consideration.

Penalty for injury to canal or
its superstructures.

SEC. 9. After the amount of water to which each lessee on said canal may be entitled by virtue of his lease, shall have been regulated, by such wier or other superstructure as above prescribed, any person or persons, who shall wilfully make any change or alteration in such wier or other superstructure, so that the flow of water to be used by any lessee may be either increased or diminished, shall forfeit and pay to the State of Indiana, for every such offence, not less than twenty nor more than one hundred dollars, to be recovered by pre-

sentment or indictment in any court having jurisdiction thereof, and shall moreover be liable to pay to the State all the costs of re-adjusting such wier or superstructure, to be recovered in an action of debt before any court having jurisdiction.

SEC. 10. Any lessee or lessees of water power on said canal, who shall use, during any part of the year, a greater number of run of stones than he, she, or they are entitled to use by the terms of the lease made to him, her, or them, shall pay to the State for each run of stones which may exceed the number of run so leased, an annual rent of four hundred and fifty dollars, payable semi-annually, on the first days of May and November; and moreover, shall be liable to any other lessee on said canal for such damages as said other lessee may sustain by reason of the running of such additional run of stones, to be recovered in an action of debt, before any tribunal competent to try the same.

SEC. 11. In case any such lessee or lessees should neglect or refuse, for twenty days after the first days of May and November, in each year, to pay such semi-annual rent, for each run of stone so used, in addition to those authorized by the terms of the lease, it shall be the duty of said agent to enter upon the premises and remove therefrom any and all run of stones which may exceed the amount actually leased; and should the removal of the same be opposed or prevented by any person or persons, the person or persons opposing or preventing the same, and also the lessee or lessees for whose benefit the same is opposed or prevented, shall each forfeit and pay to the State of Indiana, for every such offence, any sum not exceeding two hundred dollars, nor less than one hundred dollars, to be recovered by presentment or indictment before any court having jurisdiction of the same.

SEC. 13. This act shall take effect and be in force from and after its passage.

CHAPTER XVIII.

An Act to protect certain Private Rights.

[APPROVED JANUARY 19, 1846.]

WHEREAS, the system of internal improvements, adopted by this State in January, 1836, exploded in 1839,

leaving the State greatly embarrassed by a large public debt, incurred for the prosecution of said improvements, and leaving the works themselves unfinished and unavailable: And, whereas, in January, 1842, laws were enacted by the legislature of this State, providing for the creation of companies, and for inducing the investment of private capital, with a view to the completion of as many of the works, and preserving from ultimate loss as much of the expenditure made as possible: And, whereas, the provision aforesaid was made in good faith, and with a just regard, not merely to the interest of the citizens of the State immediately interested in the several works, but to the eventual interest of the State creditors: And, whereas, relying upon the integrity of said legislation and the guarantee thus given by the State for the safe investment of the private means of the citizen, companies have been organized, and private capital invested accordingly: And, whereas, this legislature is advised that judicial proceedings have been or are about to be commenced in the State courts, by one or more of the creditors of the State aforesaid, against one or more of the companies created as aforesaid, with a view to make them, their means or profits, as such companies, liable to pay the demands of such creditors. Therefore—

Suits not to be entertained unless tender in court.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall not be lawful for any court in this State to entertain any such suit, or to render any judgment or decree against any such company, and in favor of any such creditor of the State, unless the plaintiff or complainant in the suit shall first bring into court and tender in cash, or the paper or stock of the company the full amount by such company invested in the proper work, and the appurtenances thereunto appertaining; whereupon such judgment or decree may be entered by the court as may be deemed just and right in the premises.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XIX.

An Act declaratory of the meaning of the act entitled, "An act authorizing the Commissioners of the Wabash and Erie Canal east and west of Tippecanoe to sell Lands in tracts of forty acres or quarter-quarter sections," approved February 13, 1843.

(APPROVED JANUARY 20, 1846.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said act, entitled, "an act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe to sell lands in tracts of forty acres or quarter-quarter sections," approved February 13, 1843, shall in all courts and places, be so construed as to be obligatory upon said commissioners to permit any person desirous of entering any quarter-quarter section of canal land on application for that purpose; and said commissioners are hereby directed to permit all such entries to be made: *Provided*, That the persons making such application, shall prove by the affidavit of one or more disinterested persons, that such sale will not decrease the value of the remaining forty acres of the half quarter section from which the same may be sold and taken. And such affidavit may be made before a judge or justice of the peace, or notary public of the county wherein such canal [land] may lie; or before the proper commissioner or superintendent of the land office where such land may be subject to entry; which affidavit shall be filed with and kept by the said commissioner or superintendent. And such affidavit, certified under the hand and seal of the officer taking the same, shall be *prima facie* evidence of his being such judge, justice of the peace, or notary public.

Lands how entered.

Affidavit to be filed with commissioner.

Prima facie evidence, &c.

SEC. 2. All laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XX.

An Act fixing the time of holding Courts in the Fifth Judicial Circuit.

[APPROVED JANUARY 19, 1846.]

Courts when,
where, and how
long holden.

Hancock.

Shelby.

Bartholomew.

Johnson.

Hamilton.

Hendricks.

Boone.

Marion.

All persons con-
cerned to take
notice of this
act.

Repealing
section.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts of the fifth judicial circuit shall, after the close of the spring term, in the year 1846, be commenced and holden at the times following, to-wit: In the county of Hancock on the second Mondays of February and August, and shall sit six days at each term, if the business requires it. In the county of Shelby on the third Mondays of February and August, and shall sit twelve days, if the business thereof requires it. In the county of Bartholomew on the first Mondays of March and September, and shall sit twelve days at each term, if the business thereof requires it. In the county of Johnson on the third Mondays of March and September, and shall sit six days at each term, if the business thereof requires it. In the county of Hamilton on the fourth Mondays of March and September, and shall sit six days at each term, if the business thereof requires it. In the county of Hendricks on the Monday succeeding the courts in the county of Hamilton, and shall sit twelve days at each term, if the business thereof requires it. In the county of Boone on the Mondays succeeding the courts in the county of Hendricks, and shall sit six days at each term, if the business requires it: and, in the county of Marion on the Mondays succeeding the courts in the county of Boone, and shall sit twenty-four days at each term, if the business thereof requires it.

SEC. 2. All parties, witnesses, and all other persons concerned, shall take notice of this act and appear accordingly.

SEC. 3. And all acts and parts of acts coming within the purview of this act are hereby repealed: but the provisions hereof shall not be so construed as to change in anywise the practice in any of said courts.

CHAPTER XXI.

An Act defining the duties of County Auditors and School Commissioners.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act contained in chapter thirteen of the revised statutes of 1843, as relates to the sale of school lands forfeited for the non-payment of the purchase money and interest on the same, or for the non-payment of the principal or interest on school money loaned, be and are hereby made to extend to all contracts and forfeitures prior to the enactment of the statute of 1843.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXII.

An Act to provide for the taking, holding, and transmitting of Real Estate by Aliens and for quieting titles to Real Estate.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, it shall be lawful for any foreigner or foreigners, alien or aliens, resident in the United States or any territory thereof, to take and hold lands, tenements, and hereditaments, within this State, either by descent or purchase, and to give, sell, convey, alienate, devise, or transmit the same to his, her, or their heirs, assigns or devisees, in fee or otherwise, as fully to all intents and purposes, as any native born citizen may or can do: *Provided*, That no lands, tenements, or hereditaments shall, in any case be granted, conveyed, devised or transmitted by descent, to any alien who is not, at the time of such grant, conveyance, devise, or descent, a resident *bona fide*, of the United States or some territory thereof.

SEC. 2. That when any alien or foreigner, residing in the United States or any territory thereof, shall die intestate, owning, or being seized of or having any claim

Rights of resi-
dent aliens in
real estate de-
fined.

Real estate of
deceased aliens
descends to
heirs.

to any lands, tenements, or hereditaments within this State, his or her children, or others being his or her next of kin, who may be *bona fide* residents of the United States or any territory thereof, at the time of the death of such alien so dying intestate, shall take such lands, tenements, or hereditaments, by descent, as fully, to all intents and purposes, as any native born citizen may or can do.

Widow's interest in estate defined.

SEC. 3. The widow of any alien who shall die, being at the time of his death a *bona fide* resident of the United States, or any territory thereof, shall be entitled to all the rights and privileges of, in, and to the estate of her deceased husband, as if both such widow and her deceased husband had been at the time of his death citizens of the United States: *Provided*, That no widow, being an alien, shall be endowed of any lands, tenements, or hereditaments unless she shall be at the time of the death of her husband a *bona fide* resident of the United States or of some territory thereof.

Husbands tenants by courtesy.

SEC. 4. Alien husbands, residing in the United States or any territory thereof, at the time of the death of their wives, shall be tenants by the courtesy of the lands of their wives, in like manner as if such husbands and wives were native born citizens of the United States.

Deeds, &c. of aliens legalized.

SEC. 5. That where any alien shall have owned, been seized of, or entitled to, or have any claim to any real estate within this State, and shall have conveyed the same, or any estate or interest therein by deed; or, devised the same or any estate or interest therein by will; or, shall have attempted to so convey or devise the same to any other person, such deed or will shall be deemed and taken to be, and to have been, as good and effectual, and in like manner to have conveyed and vested such real estate or any such estate or interest therein, to and in the grantee or devisee in such deed or will named, as if such grantor or deviser had been a native born citizen of the United States.

Heirs of deceased alien to inherit estate.

SEC. 6. That where any alien owning, being seized of, or entitled to, or having any claim to any real estate within this State, shall have died intestate leaving heirs, whether aliens, denizens or citizens, such heirs shall be deemed and taken to have inherited, and become the owners of such real estate, in like manner as if both such intestate alien and such heirs had been native born citizens of the United States: *Provided*, That the word "heirs," as used in this section, shall not be so construed as to include any alien who was not, at the time of the death of his deceased ancestor, a resident of the United States.

SEC. 7. When any citizen of the United States, whether native born or naturalized, shall have died intestate, owning, being seized of, or entitled or having any claim to, any real estate within this State, and leaving alien heirs residing in the United States or any territory thereof, at the time of his death, such real estate shall be deemed to have descended to, and vested in, such alien heirs, in like manner, and in like proportions, as if such alien heirs had been native born citizens of the United States.

Estate of intestate citizens to descend to resident alien heirs.

SEC. 8. Any alien to whom real estate may have been devised or conveyed, or who would have been entitled to the same as an heir by descent, according to the provisions of the second section of this act, if said section had been in force as the law at the time of the death of his ancestor, shall be deemed and taken to have been the owner, seized of and entitled to such real estate, within the meaning of this act.

Devises and conveyances heretofore made to aliens legalized.

SEC. 9. That the validity of all titles heretofore derived either by descent or purchase from aliens, to citizens of the United States, or all those who have filed their intentions to become citizens of the United States, of lands lying within the State of Indiana, shall in no way be affected by the question of alienage.

Titles from aliens not to be affected by the question of alienage.

SEC. 10. That in all cases specified in or contemplated by this act the disability of alienage is hereby removed, and the State of Indiana hereby relinquishes to the several persons mentioned in this act, all her title or claim by escheat to any and all real estate included in or contemplated by the provisions of this act.

Disability of alienage removed.

State relinquishes her titles by escheat, &c.

SEC. 11. All laws and parts of laws coming within the purview of this act, are hereby repealed; and this act shall be in force and take effect from and after its passage.

CHAPTER XXIII.

An Act relative to the issuing of Executions.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, when an execution against the property of any defendant shall issue from any circuit or probate court, it shall be directed to

First execution how directed.

the sheriff or other proper officer of the county in which the judgment was rendered, or in which the defendant resides, except as herein after provided.

Second execution, &c. executed.

SEC. 2. If there be two or more defendants to any judgment, and they shall reside in different counties, then execution may issue thereon, directed to the sheriff or other proper officer of either of the counties in which one or more of the defendants shall reside, at the election of the plaintiff.

Third execution, &c. effect thereof.

SEC. 3. If an execution issued as in the last section specified, shall be returned by the proper officer, no goods or chattels, lands or tenements found to satisfy said execution; or, if the officer shall return on said execution, that there are not sufficient goods and chattels, lands and tenements found to satisfy said execution, then an execution on said judgment may be issued to any other of the counties in which one or more of said defendants may reside.

Execution to any county, where, &c.

SEC. 4. If, after execution shall have issued as above, to all the counties in which any of the defendants reside, and sufficient goods and chattels, lands and tenements are not found to satisfy the same, then an execution on said judgment may be issued to any county in this State as the plaintiff, his agent or attorney shall direct.

On affidavit execution may issue to any county.

SEC. 5. In all or any of the cases above specified, and in all other cases, if the plaintiff, his agent, or attorney, shall make and file with the clerk of the court in which said judgment was rendered, an affidavit, stating that the defendant has not, or the defendants have not, sufficient property, after deducting all incumbrances, to satisfy said judgment, as he verily believes, in the county or counties in which said defendant or defendants may reside, or that the defendant is then a non-resident of the State: then and in that case, the clerk may issue an execution directed to the sheriff or other proper officer of any county in this State without the issuing and return of any previous execution.

Liability of officer for neglect of duty.

SEC. 6. That if the sheriff or other proper officer who may have such execution to execute, shall fail or neglect to make a levy, and offer the property levied on for sale, within three months from the time it may be received by such officer, such officer and his sureties shall be liable to the plaintiff or plaintiffs as for a false return: *Provided*, The defendant or defendants have property in the bailiwick of such officer subject to execution.

SEC. 7. All laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

CHAPTER XXIV.

An Act to authorize the refunding of Taxes in certain cases.

[APPROVED DECEMBER 26, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any person or persons, or body corporate, shall have paid more State tax than was legally chargeable to such person or persons, or body corporate, on proof of such over payment before the board doing county business, in the county where such payment shall have been made, the said board shall certify the amount of such over payment to the auditor of State, under the seal of said board, and the said auditor shall thereupon audit the same as a claim against the treasury, and the treasurer of State shall pay the same out of any moneys not otherwise appropriated.

Over payment how refunded.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXV.

An Act to amend the law regulating the practice of Courts in the Eleventh Judicial Circuit.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the petit jury in the counties of Randolph, Delaware, and Grant shall be summoned to appear on the fourth day of each term of the circuit court; and in the counties of Jay and Blackford, the petit jury shall be summoned to appear on the third day of each term.

Jurors when to appear.

SEC. 2. That the three first days of each term of the circuit court in the counties of Randolph, Delaware, and Grant, and the two first days of each term of the circuit courts in the counties of Jay and Blackford shall be set apart for the empanneling the grand jury, hearing criminal causes which may be submitted to the court, taking confessions and defaults, making up issues, hearing motions, and hearing chancery causes.

First days of term how employed.

SEC. 3. All witnesses in civil causes shall be subpoenaed to appear at the day when the causes shall be set

Witnesses when to attend.

for trial, by the clerk of the court, in the order in which they are entered and filed in the clerk's office: but no cause shall be set for trial until after the expiration of the time for making up of the issues.

Parties when to attend.

SEC. 4. For the purposes specified in the second section of this act, the parties whose causes are not at issue shall be in attendance upon the first days of the term, and the whole docket shall be subject to the action of the court on each day, without regard to the day for which they are set for trial upon the docket by the clerk.

CHAPTER XXVI.

An Act relative to the punishment of Treason and Murder in the First Degree.

[APPROVED JANUARY 15, 1846.]

Jury to determine whether death or imprisonment.

SECTION I. *Be it enacted by the General Assembly of the State of Indiana,* That any person who shall be duly convicted of any of the several crimes particularly set forth and designated in the first, second, third and fourth sections of the first article of chapter fifty-three of the revised statutes of 1843, shall suffer death, or be imprisoned in the State prison, and kept at hard labor during life; and the jury enquiring of the guilt of the party accused shall assess and fix the punishment to be inflicted upon the offenders as in other criminal cases.

SEC. 2. That so much of said first, second, third and fourth sections of the first article of said chapter fifty-three, and so much of section fifty-nine of chapter fifty-four of the revised statutes of 1843 as conflict with the foregoing section of this act, be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its publication.

CHAPTER XXVII.

An Act fixing the per diem allowance of Grand and Petit Jurors in the several Counties in this State.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the grand and petit jurors of the several counties in said State shall each be entitled to receive the sum of one dollar per day for each day they may serve as such: *Provided, however,* That the board of commissioners of the several counties in said State shall, at any regular session thereof, have power to reduce the *per diem* allowance to seventy-five cents, or increase the same to one dollar and twenty-five cents per day for such jurors within their respective counties.

Compensation to jurors may be increased or diminished.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXVIII.

An Act in relation to the Bank Tax Fund.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the president and cashier of the several branches of the State bank, on or before the first Monday of February next, and annually thereafter on said day, to certify to the treasurer of State, the amount of said fund which has accumulated in such branch, under the fifteenth section of the bank charter, and to set the said amount aside subject to the draft of the said treasurer.

Amount of fund to be certified to treasurer.

SEC. 2. As soon as said certificates shall be received by said treasurer, he shall give to the several branches receipts for the amount specified in said certificates, respectively; which receipts shall be filed in the office of the auditor of State, who shall credit said fund with the amount thereof, and make the same a portion of the amount to be distributed to the several counties, on the first day of March next.

Receipts returned to auditor.

SEC. 3. The said treasurer may issue his draft upon the respective branches, requiring them to pay the

Fund, how drawn, &c.

amount belonging to said fund in their branch on such draft, or he may pay the warrants to be issued to the several county treasurers, by a draft upon such branch of the bank, as may be most convenient; which draft, when presented to the officers of such branch, shall be a sufficient authority for them to pay the amount therein specified to the person who may be the holder of such draft.

SEC. 4. This act shall be in force from and after its passage; and it shall be the duty of the secretary of State to make out certified copies of this act, and forward one to the cashier of each branch of the State bank.

CHAPTER XXIX.

An Act declaratory of the meaning of the Twenty-ninth Section of the First Article of the Forty-fifth Chapter of the Revised Statutes of 1843.

[APPROVED DECEMBER 22, 1845.]

Limitation of
actions, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That nothing in said twenty-ninth section of the first article of the forty-fifth chapter of the revised statutes of 1843, shall be deemed and taken to allow any person or persons, body politic or corporate, to sustain any action as provided in said first article, unless such action is commenced within twenty years next after the cause of action accrued or shall accrue. And such is hereby declared to be the true intent and meaning of said section; and all courts in this State shall observe and obey this act as being declaratory of the proper construction of said twenty-ninth section, saving and reserving to persons without the United States, to infants, married women, and insane persons, the benefit of the provisions in said twenty-ninth section.

Saving, &c.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXX.

An Act to provide for the Leasing of Water Power on the Wabash and Erie Canal.

[APPROVED JANUARY 12, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the officer having charge of the Wabash and Erie canal to make all leases of water power on the same; and for that purpose he is hereby invested with all the powers now conferred upon the secretary, treasurer, and auditor of State, as to leasing water power on said canal.

Water power
how leased.

SEC. 2. Triplicate copies of all leases shall be signed by the officer having charge of said canal and the lessee or lessees of the water power, one of which shall be given to the lessee or lessees, and one shall be filed in the land office of said canal, and the third shall be forwarded to the auditor of State and filed in his office.

Triplicate certi-
ficates, how
signed and dis-
posed of.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XXXI.

An Act in relation to the Limitation of Actions upon Transcripts of Justices of the Peace.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of article five, chapter forty, of the revised statutes of 1843, as requires actions upon judgments rendered before justices of the peace to be begun within six years from and after the rendition of such judgment, and not after, be and the same is hereby repealed.

Law limiting ac-
tions to six years
repealed.

SEC. 2. This act to be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel.

CHAPTER XXXII.

An Act to repeal part of the Eighteenth Section of Article Third of Chapter Five of the Revised Statutes of 1843, and to authorize the County Commissioners to grant additional Precinct in any Township upon application of the Voters.

[APPROVED JANUARY 19, 1846.]

Elections, additional place of holding may be granted.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the board doing county business, upon application of a majority of the voters of any township in their respective counties, to grant an additional precinct in such township, for holding elections, at such place as those applying may designate.

Repealed.

SEC. 2. That so much of section eighteen, of article third, of chapter five of the revised statutes of 1843, as requires eight hundred voters to be in any township before the board of county commissioners shall have the power to grant an additional precinct, be and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage and publication.

CHAPTER XXXIII.

An Act authorizing the Superintendent of the Wabash and Erie Canal to employ an Engineer.

[APPROVED JANUARY 19, 1846.]

Engineer and his duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the general superintendent of the Wabash and Erie canal be, and he is hereby authorized and empowered at as early a day as practicable, to employ some suitable engineer to make an examination of the most practicable method of introducing additional feeders into said canal. One at or near Fort Wayne, or at the Aboit river, west of Fort Wayne, on the summit level; and one at or west of Logansport. And if suitable sites should be found, to make out an estimate of the cost of construction, and procure the necessary relinquishment from the owners of real estate, if any, and

the probable damages that would be sustained by individuals in the construction of said feeders, and make report thereof at the next annual meeting of the legislature.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXIV.

An Act to amend the Ninety-first Section of the Sixteenth Chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section ninety-one of chapter sixteen of the revised statutes of 1843, be so amended that it shall be the duty of the supervisor when he makes the report to the auditor, as directed in said section, that he shall also furnish the auditor with a list of all the hands in his road district. Duties of supervisors.

SEC. 2. This act to be in force from and after the publication thereof.

CHAPTER XXXV.

An Act relating to the Third Judicial Circuit.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court shall sit in Jennings county as directed by law, and shall sit one week, if the business require it, and no longer.

SEC. 2. That it shall be lawful for the judges of the circuit court in the third judicial circuit to order and direct the summoning of grand and petit jurors and witnesses, to be for any day of their said terms, subsequent to the first day, and may establish such rules and regulations respecting the arrangement of causes on the docket for trial, the making of issues and other business as shall be needful to prevent the unnecessary attendance of suitors, witnesses, and jurors. Judges, their powers and duties.

SEC. 4. This act to take effect and be in force from and after its passage. The secretary of State shall send one copy hereof, certified, to the clerk of the Jennings circuit court, and one to the judge of the third judicial circuit.

CHAPTER XXXVI.

An Act making General Appropriations for the year 1846.

[APPROVED JANUARY 19, 1846.]

Amounts appropriated for different purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of meeting the expenses of the State government for the year 1846, the following sums are hereby appropriated, to-wit: For the general assembly, twenty-seven thousand dollars; for the judiciary, fifteen thousand dollars; for the executive officers, five thousand dollars; for public printing and binding laws, four thousand five hundred dollars; for probate judges, four thousand dollars; for specific appropriations, four thousand dollars; for stationery and fuel, two thousand dollars; for conveying convicts to State prison, two thousand dollars; for contingent expenses of governor, one thousand dollars; for prosecuting attorneys, eighteen hundred and fifty dollars; for distributing laws and journals, six hundred dollars; for transporting and preserving the public arms, six hundred dollars; for the State library, three hundred dollars; for the librarian's salary, five hundred dollars; for adjutant and quarter master generals' salaries, two hundred dollars; for the State house, (to be expended under the direction of the State librarian,) five hundred dollars; for the governor's house, one hundred and fifty dollars, and for the house on the governor's circle, one hundred dollars, to be expended under the direction of the auditor of State.

SEC. 2. That the sums respectively assessed by the revenue law of this session, for the benefit of the lunatic and deaf and dumb assylum, and for the blind, be and the same are hereby appropriated, to be expended under the respective laws on such subjects.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XXXVII.

An Act amending the Forty-fifth Section of Chapter Twelfth of the Revised Statutes of 1843, and for other purposes.

[APPROVED JANUARY 20, 1846.]

SECTION 1. [*Be it enacted by the General Assembly of the State of Indiana,*] That whenever any county auditor shall, according to the provisions of the above recited section, enter for taxation on the duplicate of his county, any lands or lots which by mistake or neglect may have been omitted to be entered according to the laws in force at the time, it shall be his duty to value said lands or lots, as other lands or lots and their improvements are entered and valued, and to charge against said lands and lots all taxes due and unpaid thereon for any former year or years since 1841, with six per centum per annum thereon, from and after the time limited for the payment of such tax or taxes, which shall be collected as other taxes.

SEC. 2. Whenever any county treasurer shall discover that any lands or lots subject to taxation as aforesaid, are from any cause omitted to be entered on his duplicate, he shall enter the same, and perform all the duties above required to be performed by county auditors, and shall report the description of such lands or lots with the valuation thereof, and the taxes charged thereon to the auditor of his county, who shall enter the same on the assessor's book as other lands for the next year's assessment, and such treasurers in their settlements shall account for such taxes and interest as for other taxes.

SEC. 3. All the acts of county treasurers and auditors that may have entered omitted lands for taxation, and charged thereon the taxes, interest, and penalties for the taxes of any former year or years, be and the same are hereby legalized and declared to be as valid as if the same had been done after the taking effect of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act to amend the Seventh Chapter, Section Seventy-fourth of the Revised Statutes of 1843.

[APPROVED JANUARY 19, 1846.]

Vacancy in
office of treasurer,
how filled.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases when the office of treasurer and collector in any of the counties in this State shall become vacant by death, removal out of the county, resignation, neglect to give bond, or from any other cause, the board of county commissioners of the proper county shall forthwith meet, and appoint some suitable person to fill such vacancy; and the persons so appointed shall give bond and take an oath as required in the seventy-first and seventy-second sections of the chapter to which this is an amendment; and the treasurer and collector so appointed, shall hold his office until the next August election after such appointment, and until a treasurer is elected and qualified according to law.

Part of 74th section repealed.

SEC. 2. That so much of the seventy-fourth section, chapter seven, to which this is an amendment, as contravenes the provisions of this act, be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXXIX.

An Act regulating the times of holding Probate Courts in the County of Greene.

[APPROVED JANUARY 19, 1846.]

Change of terms
not to affect proceedings.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter when it shall so happen by the laws now in force regulating the times of holding circuit and probate courts in the county of Greene, that the terms of said circuit and probate courts shall fall upon the same day, said probate court shall sit and hold its session on the Monday succeeding the expiration of such terms of said circuit court, and not before.

SEC. 2. All processes, writs, complaints, pleas, suits, actions, petitions, motions, &c. which may be pending in

said probate court at the time when said court shall be required to hold its session, as in the first section of this act mentioned, shall be heard, tried, and determined in the same manner, by said court, as if the time for holding the same had not been altered as in the first section of this act is provided.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER XL.

An Act to provide for a settlement with the Superintendent of the State Prison.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of settling the accounts between the State and Joseph R. Pratt, growing out of the contract between said Pratt and John McDougal on the one part, and the State of Indiana on the other, in relation to the State prison, there shall be selected by the said Pratt one discreet person, who shall be a practical mechanic, and by the governor of the State another of like qualifications, and by these two, when thus selected, a third person, whose duty it shall be to repair to the State prison by the fifth day of June next, and continue from day to day to examine the accounts, and make estimates of the work done on the new prison, until the whole shall be completed. And when the entire estimate and adjustment of all the accounts shall have been made by the above appointed individuals, a balance sheet shall be struck, which shall be final; and the governor is hereby authorized to ratify the same on the part of the State as soon as report of said commissioners is made to him.

Settlement with
J. R. Pratt, how
made.

Gov'n'r to ratify,
&c.

SEC. 2. The said commissioners, before proceeding to the performance of their duty, shall take an oath faithfully and impartially to discharge the duties assigned them as such commissioners.

Oath of commis-
sioners.

SEC. 3. The said commissioners shall have power to appoint a clerk, whose duty it shall be to keep a record of their estimates and proceedings; and they may also, if they deem it necessary, call in practical mechanics,

Commissioners
appoint clerk,
his duties.

Opinion of mechanics taken. and hear their opinions relative to prices of work done when the rate is not specified in the contract, and in their estimates of all such work, said commissioners shall be governed, as far as practicable, by the rates and prices usually charged for such work at the time when it was done.

Compensation of commissioners. SEC. 4. The said commissioners shall receive a compensation for their services, not to exceed three dollars per day, and travelling expenses when going to, and returning from, the prison, and shall have power to determine the clerk's compensation so employed by them; all of which shall be paid by the superintendent out of the joint profits of the State prison.

SEC. 5. The governor shall cause the work on the new prison to be forthwith suspended, in case the same can be done without injury to the State.

CHAPTER XLI.

An Act making Specific Appropriations for the year 1846.

[APPROVED JANUARY 20, 1846.]

Allowance to secretaries and clerks of General Assembly. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the senate, and the principal and assistant clerks of the house of representatives shall each be allowed the sum of four dollars per day for each day they may have served as such during the present session. And that such assistance as may have been employed by any of the aforesaid secretaries or clerks, under any order of their respective branches of the general assembly, be allowed four dollars per day each day while so employed, to be ascertained by such secretaries or clerks, and certified by the president of the senate and the speaker of the house of representatives, respectively.

Allowance to door keepers. SEC. 2. That the door keeper of the senate and the door keeper of the house of representatives shall each be allowed three dollars per day, to be certified by the presiding officer of their respective branches of the present general assembly. That the assistant door keepers of the senate and of the house shall each be allowed three dollars per day for each day they may have served as such, to be computed by their principals, and certified

in the same manner the allowance of their principals are certified.

SEC. 3. That Frederick Voigt be allowed three dollars per day for each day he may have been employed as woodman, and for extra services as door keeper, &c., at the present session of the general assembly, to be certified by the speaker of the house. Frederick Voigt.

SEC. 4. That Jacob Miller be allowed three dollars per day as woodman to the senate, for each day he may have been so employed during the present session of the general assembly, to be certified by the president of the senate. Jacob Miller.

SEC. 5. That Sydney H. Golson be allowed three dollars per day for each day he may have served as door keeper to the committees of the present general assembly, to be certified by the speaker of the house of representatives. Syd'y H. Golson.

SEC. 6. That Livingston Dunlap, postmaster, be allowed the sum of eight dollars and eighty-seven cents, for postage of communications addressed to the president of the senate and speaker of the house of representatives, during the present session of the general assembly. L. Dunlap, P. M.

SEC. 7. That Delana R. Eckels be allowed three dollars and fifty cents per day for every day he may have actually served as clerk of the committee of ways and means, at the present session of the general assembly, to be certified by the speaker of the house of representatives. D. R. Eckels.

SEC. 8. That Austin W. Morris be allowed twenty-four dollars for eight day's services, as clerk of the joint committee on the State debt. A. W. Morris.

SEC. 9. That Joseph Lane be allowed nine dollars and eighty-nine cents, for so much money by him advanced for printing done for the joint committee on the public debt. Joseph Lane.

SEC. 10. That S. S. Rooker be allowed the sum of two hundred and eighteen dollars and eighty-eight cents, for painting done by him on the State house. Sam'l S. Rooker.

SEC. 11. That Joseph Irwin be allowed seven hundred and seventeen dollars and forty-two cents, in full for the balance due to him for work done upon, and materials furnished, for the State house. Joseph Irwin.

SEC. 12. That George W. Shearer be allowed eleven dollars for work done by him on the State house. G. W. Shearer.

SEC. 13. That Thomas Wright be allowed one hundred and thirty-eight dollars and fifty-eight cents, for his services and expenses in recovering fugitives from justice. Thomas Wright.

from Vermillion county, upon the requisition of the governor of this State, upon the governor of Kentucky.

Peter Daggy.

SEC. 14. That Peter Daggy be allowed fifty-two dollars, for twenty-one day's services, as a clerk in the auditor's office during a part of the present session, under a resolution of the senate.

Jerem'h Stropes.

SEC. 15. That Jeremiah Stropes be allowed sixteen dollars for eight day's services, as assistant door keeper, in preparing the State house for the reception of the present general assembly.

Joseph Martin.

SEC. 16. That Joseph Martin be allowed twenty-five dollars for eight day's services as door keeper, in preparing the senate chamber for the reception of senators, at the present session.

Registers at
Winnamac and
Fort Wayne.

SEC. 17. That the register at Winnamac and the register at Fort Wayne be allowed a compensation for making tract books for the auditor's office, at the same rate as heretofore allowed to the registers at Indianapolis and Crawfordsville.

Adjutant Gen'l.

SEC. 18. That the adjutant general be allowed twenty-seven dollars and fifty cents, for office rent, fuel, and light for his office.

Treas'r of State.

SEC. 19. That the treasurer of State be allowed the sum of ninety-eight dollars and nineteen cents, for various sums advanced by him, on account of work done, and materials furnished, for the State house and State property, upon his filing satisfactory vouchers therefor with the auditor of State.

Principal secre-
taries and clerks
of General As-
sembly.

SEC. 20. That the principal secretary of the senate and the principal clerk of the house of representatives be allowed the sum of fifty dollars each, for indexing the journals of their respective branches of the present general assembly.

Tomlinson and
Brother.

SEC. 21. That Tomlinson and Brother be allowed twenty-eight dollars and ninety-seven cents, for materials furnished for the State house from their drug store.

Sam'l P. Daniels.

SEC. 22. That Samuel P. Daniels be allowed thirty dollars for services rendered in the State library room.

David Craighead.

SEC. 23. That David Craighead be allowed one dollar and eighty-one cents, for articles furnished the present general assembly.

Sam'l Wainright.

SEC. 24. That Samuel Wainright be allowed four dollars and fifty cents for tin ware furnished for the use of the general assembly.

Abraham Hupp.

SEC. 25. That Abraham Hupp be allowed three dollars per day for four day's services, as door keeper, in preparing the hall of the house for the reception of its members at the present session.

SEC. 26. That Dr. John Evans be allowed three hundred dollars for his services and expenditures, in collecting information on the subject of a hospital for the insane. Doct. J. Evans.

SEC. 27. That John B. Powers be allowed three dollars per day, for each day he may have served as the executive messenger to the two branches of the general assembly, to be computed and certified by the governor. John B. Powers.

SEC. 28. That E. Hedderly be allowed twelve dollars and thirty-four cents, for candles and oil furnished for the State, during the present session of the general assembly. Edwin Hedderly.

SEC. 29. That Silas Colegrove be allowed fifteen dollars for services rendered by him in prosecuting the pleas of the State in the Richardville circuit court. Silas Colegrove.

SEC. 30. That Michael Shea be allowed one dollar and fifty cents per day for his services about the library rooms, and governor's rooms, &c., during the present session. Michael Shea.

SEC. 31. That Henry Perry be allowed forty dollars, for taking care and keeping building in State house square in repair during the present session. Henry Perry.

SEC. 32. That for the purpose of enabling the treasurer, auditor, and secretary of State to employ a clerk in their respective offices, that they each be allowed, annually, the amount which they have respectively paid out of their own funds, as clerk hire, not exceeding two hundred dollars each. Treasurer, auditor, and secretary of State.

SEC. 33. That S. V. B. Noel be allowed two hundred and six dollars; G. A. and J. P. Chapman be allowed one hundred and three dollars; and Morrison and Spann be allowed one hundred and three dollars for their respective papers, furnished for distribution to the members and officers of the present general assembly. Noel, Chapmans, and Morrison & Spann.

SEC. 34. That Tomlinson and Brother be allowed four dollars and sixty-nine cents, for sundries furnished the present session of the general assembly. Tomlinson and Brother.

SEC. 35. That Charles B. Davis be allowed thirty-eight dollars and sixty-eight cents for stationery. Charles B. Davis.

SEC. 36. That John H. Farquhar be allowed twenty dollars for aiding in the organization of the present general assembly. J. H. Farquhar.

SEC. 37. That David Craighead be allowed fifty-five dollars six cents for materials furnished for the State house. David Craighead.

SEC. 38. That Joshua M. W. Langsdale be allowed one dollar and fifty cents, for one dozen brooms furnished for the State house during the present session. J. M. W. Langsdale.

John B. Buskirk. SEC. 39. That John B. Buskirk be allowed one hundred and ten dollars and seventy-five cents for his time and expenses in re-capturing a fugitive from justice upon the requisition of the governor of this State, upon the governor of Missouri.

John Grant. SEC. 40. That John Grant be allowed thirty dollars for aiding as secretary, in the organization of the senate at the commencement of the present session of the general assembly.

Sec'y of State. SEC. 41. That the secretary of State is hereby authorized to receive and retain as perquisites of his office, all fees for copying records, making certificates, affixing the State seal, and for making deeds for lands. So much of an act entitled, "an act regulating the salaries of auditor, secretary, and treasurer of State," approved February 4, 1841, as contravenes the provisions of this act, be and the same is hereby repealed.

John Kyle. SEC. 42. That John Kyle be allowed one dollar for a pully, &c. for the State house.

Andrew J. Robb. SEC. 43. That Andrew J. Robb be allowed fifteen dollars for distributing laws.

In memory of Hon. J. Darrow. SEC. 44. That the auditor of State be, and he is hereby authorized to contract for the making and placing a neat tomb-stone over or at the head and feet of the grave of the Hon. Jared Darrow, formerly a member of this house, with suitable inscription on the same; and that twenty dollars be, and the same is hereby appropriated, to pay the expenses thereof.

Ray, Dickerson, and Gray. SEC. 45. That William Ray, Walter Dickerson, and Matthew Gray be allowed the sum of three dollars each, being for three day's services in assessing damages for John Sankey, on the cross-cut canal.

Carleton and Brother. SEC. 46. That Carleton and Brother be allowed the sum of two dollars and twenty-five cents for merchandise furnished the secretary of State.

Jacob Fulse. SEC. 47. That Jacob Fulse be allowed fifteen dollars for six day's services, in preparing State house at the present general assembly.

Jacob L. Payne. SEC. 48. That Jacob L. Payne be allowed twelve dollars for six day's attendance as a witness in the examination of charges against Joseph R. Pratt, before the committee on State prison.

W. F. Collum. SEC. 49. That W. F. Collum be allowed twelve dollars for services as witness before same committee.

J. McChesney. SEC. 50. That John McChesney be allowed twelve dollars, as witness before same committee.

H. W. Jones. SEC. 51. That H. W. Jones be allowed seven dollars for printing certain laws.

SEC. 52. That E. J. Peck be allowed one dollar and sixty-three cents, for articles furnished the present general assembly.

SEC. 53. That J. Cook and Son be allowed thirteen dollars and fifty cents, for articles furnished the present general assembly.

SEC. 54. That John B. Dillon be allowed sixty dollars, in addition to his present salary, for services as State librarian.

SEC. 55. That C. B. Davis be allowed twenty-nine dollars and eighteen cents for stationery, &c. furnished the officers of the senate.

SEC. 56. That D. Miller be allowed fourteen dollars and forty-six cents, for sundries bought of Edwin Hedderley, for the use of the senate.

SEC. 57. That five dollars and eighty-seven cents be allowed Tomlinson and Brother, for articles furnished the senate.

SEC. 58. That seven dollars and twenty-seven cents be allowed Ogden & Magie, for sundries furnished the senate, and, that four dollars and seventy-five cents to the same persons, for articles furnished for the use of the senate.

SEC. 59. That A. Bird be allowed one dollar and fifty cents, for articles furnished for the use of the senate.

SEC. 60. That Weaver and Williams be allowed two dollars for work done in senate chamber.

SEC. 61. That S. V. B. Noel be allowed one hundred and fifty-six dollars, for papers furnished the senate, under its resolutions.

SEC. 62. That C. and J. Cox be allowed fifteen dollars, for sundries for the use of the senate.

SEC. 63. That Morrison and Spann be allowed eighty-four dollars, for papers furnished the senate and the officers thereof.

SEC. 64. That G. A. and J. P. Chapman be allowed eighty-eight dollars and fifty-eight cents, for papers furnished the senate and officers thereof.

SEC. 65. That Luke Munsell be allowed two dollars, for writing ink furnished for the use of the senate during its present session.

SEC. 66. That John O'Connor be allowed eight dollars, for four day's services, as fireman and woodman at the commencement of the present session.

SEC. 67. That S. P. Daniels be allowed the sum of fifty dollars, for extra services as State librarian.

SEC. 68. That A. Bird be allowed the sum of twenty-five dollars and seventy cents, for goods furnished for the use of the present general assembly.

Auditor and
secretary of
State.

SEC. 69. That the act approved January 17th, 1846, allowing the auditor and secretary of State a compensation for issuing canal land patents, be so amended that the allowance to the auditor shall be fifty cents instead of twenty-five cents for each certificate by him countersigned; and the allowance to the secretary of State shall be fifty cents instead of seventy-five cents, for each patent by him issued and recorded.

George H. Dunn.

SEC. 70. That the claim of George H. Dunn be referred to the secretary, auditor, and treasurer of State for adjustment, and payment not to exceed one hundred dollars.

SEC. 71. This act to take effect and be in force from and after its passage.

CHAPTER XLII.

An Act in relation to Collectors of State and County Revenue.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section first of chapter seventy-two of the revised statutes of 1843, shall not be so construed as to apply to the collectors of State and county revenue, in the selling of property for the non-payment of taxes.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLIII.

An Act to extend the time of holding Probate Courts in Parke and Posey Counties.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts of Parke and Posey counties may continue in session nine days each term, if the business thereof shall require it.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLIV.

An Act providing for the safety of the Mortgages to the Trust Funds.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the auditor of State, upon making any loan of the trust funds under his charge, to certify to the recorder of the county in which the land mortgaged is situated, a true copy of the mortgage made to secure any such loan; which copy the recorder shall record in the same manner as if it were the original mortgage; and the said certified copy, when so recorded, shall have the same force and effect as the original mortgage would if recorded.

Trust funds how
secured.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XLV.

An Act giving the Auditor and Secretary of State a compensation for issuing Canal Land Patents.

[APPROVED JANUARY 17, 1846.]

WHEREAS, it has been represented to this general assembly, that in consequence of the heavy increase in the business of the offices of auditor and secretary of State, originating from the duty imposed upon them of comparing and registering canal land certificates, and recording patents to purchasers of canal lands, and other duties connected with said canal, it has been found impossible for said officers to attend to said business as promptly as the public interests require; therefore, for the purpose of allowing said officers such assistance as may be necessary to enable them to perform their duties without the delay which, under present laws, is inevitable:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of State, as a compensation for comparing and registering certificates of purchase of canal lands, and for keeping the various

accounts of the Wabash and Erie canal, be and he is hereby allowed the sum of twenty-five cents for each certificate which shall be compared, registered, and countersigned by him. And the secretary of State, for issuing and recording patents for the purchase of canal lands, shall be allowed the sum of seventy-five cents for each patent by him to be issued: said sums to be paid out of the funds belonging to said canal.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLVI.

An Act to provide for the payment of the expenses of selecting and classifying the Lands granted by Congress, for the completion of the Wabash and Erie Canal from Terre Haute to Evansville.

[APPROVED JANUARY 19, 1846.]

Appropriation to defray expense of selecting and classifying lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be, and is hereby appropriated, the sum of four thousand nine hundred and ninety-two dollars and twenty-one cents, to defray the expense of selecting and classifying the lands granted by Congress, for the completion of the Wabash and Erie canal from Terre Haute to Evansville.

Money to be paid out.

SEC. 2. The said sum of money appropriated by the first section of this act, shall be paid to the following persons in the following sums, that is to say—to James G. Jordan, one hundred and eight dollars; to Joshua Soule, Jr., one hundred and twelve dollars; to Austin W. Morris, eighteen dollars; to Luke Munsell, eighteen dollars; to L. G. Hay, twelve dollars; to Milton Foudray, twelve dollars; to J. Smith, eight dollars; to E. White, twenty-six dollars; to T. D. Miller, ten dollars; to O. F. Mayhue, ten dollars; to William H. Campbell, six dollars; to C. C. Palmer, ten dollars; to J. McIlvain, six dollars; to William Sullivan, sixty-four dollars; to John T. Morrison, six dollars; to A. N. Blackledge, twenty dollars; to James Wood, eight dollars; to J. L. Ketcham, six dollars; to Charles Axtell, ten dollars; to L. H. Jamison, seven dollars; to Alexander F. Morrison, ten dollars; to John B. Dillon, ten dollars; to L. B. Wilson, thirty-four dollars; to Augustus Coburn, eight dollars; to A. Ackley, eight dollars; to Jethro Wood, twelve dollars; to Day, Tyler and Com-

pany, four dollars and seventy-five cents; to Samuel Turner, forty-eight dollars and thirty-one cents; to Thomas Marks, three hundred dollars; to N. R. Wild, four hundred and fifty-two dollars; to Samuel Long, one hundred and sixty-four dollars; to Francis B. Yocum, seventy-two dollars; to John W. Mullen, one hundred and twenty dollars; to David Luchenbill, one hundred and fifty dollars; to Andrew Gardner, one hundred and eighty dollars; to John M. Berry, sixty dollars; to William Burton, one hundred and thirty dollars; to Cager Peeke, three hundred and ten dollars; to Clement McDonald, two hundred and twenty dollars; to Houston Miller, one hundred and sixty-eight dollars; to W. C. Sampson, two hundred and six dollars; to Benjamin R. Edmondson, one hundred and ninety-eight dollars; to Francis Cassady, two hundred and two dollars; to Franklin F. Sawyer, one hundred and sixty-two dollars; to Smith Miller, one hundred and sixty dollars; to Christopher C. Graham, one hundred and seventy dollars; to Enoch R. James, sixty-eight dollars; to Barney Royston, sixteen dollars; to N. R. Allen, fifty-two dollars; to Mason J. Howell, one hundred and ninety-four dollars; and to Frederick E. Goodsell, six hundred and sixty-three dollars and fifty cents.

SEC. 3. The several county agents or examiners, appointed by the governor to select and classify said lands, shall pay their deputies out of the moneys appropriated to said agents by this act, a pro rata share of said moneys according to the time spent by each of said deputies, in assisting to select and classify said lands.

SEC. 4. The said several sums of money appropriated by this act, shall be paid out of any moneys in the State treasury, not otherwise appropriated; but shall be re-paid and refunded to the State out of the proceeds of the first sales of said lands granted by Congress for the completion of said canal.

SEC. 5. That the several county treasurers in this State are authorized and required to pay any warrant upon the State treasury, which may be presented to them, out of any funds in their hands belonging to said State; and said warrants shall be the proper vouchers of said treasurers in their settlements with the treasurer of State: *Provided*, That the provisions of this section shall only extend to warrants issued for the payment of the several appropriations made by the second section of this act.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER XLVII.

An Act to provide for the payment of the expense of surveying and locating the Wabash and Ohio Canal from Terre Haute to Evansville.

[APPROVED JANUARY 19, 1846.]

Amount appropriated to defray expenses of survey and location.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be, and is hereby appropriated the sum of three thousand and fifty-nine dollars and seventy-five cents, to defray the cost of surveying and locating the Wabash and Ohio canal from Terre Haute to Evansville, as made by Robert H. Fauntleroy, principal engineer, appointed by the governor for that purpose; which sum shall be paid to the following persons, in the following sums, that is to say—to Robert H. Fauntleroy, the sum of thirteen hundred and ninety-two dollars; to William J. Ball, the sum of six hundred and forty-five dollars and seventy-four cents; to Samuel C. Bradford, one hundred and forty-two dollars and eighteen cents; to Michael Riley, eighty-five dollars; to George Depriest, twenty-one dollars and twenty-five cents; to George Prince, twenty-five dollars; to S. P. McIlvain, forty-one dollars and fifty cents; to Allison and Allison, two hundred and eighty-five dollars and seventy cents; to B. C. Macy, seven dollars and fifty cents; to Hunter and Woods, two dollars and fifty cents; to Felps Reed, five dollars and eighty cents; to Thomas Speaks, six dollars and seventy-five cents; to Peter Cooperider, the sum of six dollars and fifty cents; to Jacob Cooperider, nine dollars and sixty cents; to William Alexander, three dollars; to Jesse Vanmetre, two dollars and thirty cents; to David Owens, one dollar and thirty cents; to James Elliott, one dollar and fifteen cents; to Washington Cooperider, two dollars and forty-five cents; to Henry Cooperider, one dollar and twenty cents; to Reinard and Wood, thirty-six dollars; to J. Rutledge, four dollars; to J. S. Freeman, one hundred and eighty-five dollars and eighty cents; to A. Pope and Son, one dollar and fifty cents; to William Hawthorn, twenty-one dollars; to C. B. Davis, eleven dollars and sixty-two cents; to Samuel Turner, one dollar and ninety-four cents; to E. S. Pope, three dollars; to Samuel Dickerson, one hundred dollars, and to R. M. Alexander, six dollars and forty-six cents.

County treasurers to pay warrants.

SEC. 2. That the several county treasurers in this State are authorized and required to pay any warrant

upon the State treasury, which may be presented to them, out of any funds in their hands belonging to said State: and said warrants shall be the proper vouchers of said treasurers, in their settlements with the treasurer of State: *Provided*, That the provisions of this section shall only extend to warrants issued for the payment of the several appropriations made by the first section of this act.

SEC. 3. That the said sum of three thousand and fifty-nine dollars and seventy-five cents, appropriated by the first section of this act, shall be refunded to the State with six per centum interest, out of the first proceeds arising from the first sales of the lands granted by Congress for the completion of said canal from Terre Haute to Evansville.

Appropriation to be refunded to State with interest.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER XLVIII.

An Act to amend the Fourth Article of Chapter Seven of Revised Statutes of 1843, and for other purposes.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the board doing county business in the several counties in this State, to require of the treasurer of such county that he shall, at their annual settlement, at the June session of such board, make and subscribe an affidavit or affirmation, that the funds which he at such settlement presents to the board, are *bona fide* the funds belonging to said county, and that the same have not been borrowed by said treasurer, or by any other person for him, for the purpose of such settlement; which oath or affirmation shall be filed by the clerk of said board in his office.

Treasurer to make oath on settlement.

SEC. 2. That the provisions of this act shall extend to all county officers having charge of the various funds belonging to such counties; and the affidavit taken from such officer, shall be filed by the person taking the same, in the clerk's office of the proper county.

Provisions of act to extend to county officers.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XLIX.

An Act to repeal an act, entitled, an act in relation to the appointment of County Commissioners of the several Counties in this State, to act as Boards of Library Trustees in their respective Counties, and for other purposes, approved January 6th, 1845, so far as the County of Posey is concerned.

[APPROVED JANUARY 19, 1846.]

Acts of 1845, relative to library trustees, repealed as to Posey county, and 25th chapter Revised Code revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled, an act relative to the appointment of the county commissioners of the several counties of this State to act as boards of library trustees in their respective counties, and for other purposes, approved January 6, 1845, be and the same is hereby repealed, so far as it regards the county of Posey and State of Indiana; and that the twenty-fifth chapter of the revised code of 1843, be and the same is hereby revived, so far as it regards the county of Posey and State of Indiana.

CHAPTER L.

An Act extending the time of holding Courts in the Sixth Judicial Circuit.

[APPROVED JANUARY 19, 1846.]

Court may adjourn to a specified time in vacation and finish business.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter when the circuit court in any of the counties composing the sixth judicial circuit of this State, at any regular term shall fail to dispose of the business before it during the time allotted by law to such court, the judges thereof shall be authorized to adjourn the sitting of said court to some specified time in vacation, after the courts in said circuit, at their regular terms, shall have been held and concluded: at which specified time said court, so adjourned, shall proceed to hear and determine the causes not disposed of at the regular term; and complete the unfinished business thereof in the same manner that business is done at such regular term.

SEC. 2. Such court, at any regular term, shall, if deemed necessary for the trial of causes left undisposed

of at such term, direct that the jury attending such court for the last week of such regular term, shall attend at the time to which said court may be adjourned and serve until discharged by the court. And such adjourned court shall be attended by the same judges and officers as the regular term, and the same shall be deemed and taken as a part of the regular term of such court.

SEC. 3. The associate judges, jurors, and other officers of said adjourned court shall be entitled to the same compensation they are entitled to receive for their services at the regular term of such court. And the president judge attending such court, shall be entitled to four dollars per day for each day he may serve at such adjourned term, to be paid out of the treasury of the county in which said court shall be held, on the certificate of the clerk as to the number of days he shall have served.

SEC. 4. Witnesses subpoenaed for any regular term, shall attend said adjourned term without further process therefor; and recognizances taken at the regular term for appearance from day to day, shall be extended to the appearances at the adjourned term, without taking further recognizances.

SEC. 5. It shall be the duty of the clerk of the circuit court of the county in which such adjourned court shall be held, to give ten day's notice of the time of holding the same, by publication in some public newspaper in such county; or if there be none published therein, then such notice as such court at its regular term may direct.

SEC. 6. This act to be in force from and after its passage.

CHAPTER LI.

An Act fixing the time of holding the Courts in the Ninth Judicial Circuit.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts within and for the several counties composing the ninth judicial circuit of this State, shall hereafter be commenced and holden at the times following: In the county of Lake

on the Tuesdays preceding the first Mondays of March and September. In the county of Porter on the first Mondays of March and September. In the county of Laporte on the second Mondays of March and September. In the county of St. Joseph on the third Mondays succeeding the times fixed for holding the courts in the county of Laporte. In the county of Elkhart on the second Mondays succeeding the times fixed for holding the courts in the county of St. Joseph. In the county of Kosciusko on the first Mondays after the time fixed for holding the courts in the county of Elkhart. In the county of Marshall on the first Mondays after the times fixed for holding the courts in the county of Kosciusko.

How long to sit. The said courts shall sit in each [of] said counties of Elkhart, Porter, Kosciusko, and Marshall six days; in said county of St. Joseph, twelve days; in said county of Lake, five days, and in said county of Laporte, eighteen days, if the business in said counties shall severally require such time.

Process, notices,
&c. suits, &c.,
how disposed of.

SEC. 2. All writs, processes, and notices which may have been issued, or been served before the taking effect of this act, in relation to matters now pending, or to be pending, in any of said circuit courts, are hereby made returnable to the first day of the next term of said courts as fixed by this act; and all suits, recognizances, motions, rules, and other proceedings, which at the time of the taking effect of this act shall be pending in any of said courts, shall be acted upon therein in the same manner as if this act had been in force at the time they were issued, commenced, taken, or instituted.

Docket fees, &c.

SEC. 3. So much of section one of an act entitled, "an act regulating the fees and salaries of the several officers and persons therein named," approved February 7th, 1831, as relates to attorneys' docket fees, is hereby revived and declared to be in full force, the half of which shall be appropriated to the use of common schools, so far as relates to the ninth judicial circuit; except the counties of Elkhart, Kosciusko, and Marshall.

SEC. 4. This act shall take effect and be in force from and after the first day of February next; and it is hereby made the duty of the secretary of State, to immediately forward a certified copy thereof to each of the clerks of said circuit courts.

CHAPTER LII.

An Act to raise a Revenue for State purposes, for 1846.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax for State purposes, of twenty-five cents on each one hundred dollars, of the value of all property entered for taxation in the general lists of taxables, and seventy-five cents on each poll subject by law to taxation, shall be and is hereby authorized and directed to be levied for the current year, one thousand eight hundred and forty-six, and which shall be assessed, levied, and collected according to law.

SEC. 2. That in addition to the above, there shall be assessed, levied, and collected on each one hundred dollars of the value of all property entered for taxation as aforesaid, the following sums, to-wit: One cent for a lunatic asylum; five mills for a deaf and dumb asylum; and two mills for the education of the blind. And it shall be the duty of the treasurer of State, to set apart from the gross revenue paid into his office for the year aforesaid, the amounts in this section contemplated for the purposes above specified.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER LIII.

An Act to amend the Ninety-fourth Section of Chapter Twelve [of the] Revised Statutes of 1843.

[APPROVED DECEMBER 29, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when more than one tract of land, belonging to the same person shall be offered for sale, at the same time and in the same county, for the non-payment of taxes due thereon, it shall be the duty of the officer conducting such sale, to offer first one tract for the whole amount due from the owner of all such tracts, and if the same or a part thereof will not sell for the whole amount due on all such tracts, he shall add to the tract first offered such other tract as he may select,

and offer both for the whole amount; and so on until he shall receive a bid for a part or the whole of such tracts, equal to the entire amount due from the person owning such lands: *Provided*, That in making such addition to the tract first offered, the officer conducting such sale shall endeavor to offer as much land as possible in one body.

SEC. 2. This act shall be in force from and after its passage, and it shall be the duty of the secretary of State to immediately forward a certified copy of the same to each county auditor and county treasurer in this State.

CHAPTER LIV.

An Act to extend the time of the February Term of the Franklin Circuit Court.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the February term of the Franklin county circuit court shall commence on the first Monday of February, and sit eighteen days if the business require it.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LV.

An Act for the Education of the Indigent Blind of this State.

[APPROVED JANUARY 19, 1846.]

Trustees their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer, auditor, and secretary of State, with James M. Ray and George W. Mears, be and they are hereby constituted a board of trustees, to superintend the application of the funds raised for the education of the blind in this State, until the same is otherwise directed by law.

Blind, how provided for, &c.

SEC. 2. That until an institution shall be established in this State for the education of the blind, it shall be the

duty of said trustees to provide for the maintenance and education of as many of the indigent blind of this State, as the funds received from revenue for such purpose will sustain, at the institutions for the blind at Columbus, Ohio, or Louisville, Kentucky.

SEC. 3. That in educating such of the blind of the State, the trustees shall, so far as practicable, select pupils equally from the judicial circuits of the State, regard being had to the age, character, and capacity of the applicant; and they shall give notice in a newspaper in each circuit, of their readiness to receive applications.

SEC. 4. That the trustees shall adopt such rules of action, as shall best secure from imposition, and most economically apply the funds to effect the objects contemplated.

SEC. 5. That the trustees shall receive no compensation for their services, and their drafts for the objects of their trust, attested by their secretary, shall be audited by the auditor, and paid by the treasurer of State out of the revenue received for the education of the blind; and a detailed account of such appropriations shall be reported to the general assembly during the first week of each session.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER LVI.

An Act to authorize the holding of Special Terms of the Circuit Courts in the Twelfth Judicial Circuit.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever one or more persons are confined in the jail of any county in the twelfth judicial circuit of this State, upon a criminal charge preferred against him or them, and it shall become necessary by reason of the number of prisoners confined in said jail, or by reason of the importance of the offence charged upon him or them, or in consequence of the want of a sufficient prison in said county to keep said prisoner or prisoners securely, or whenever the president judge of said circuit in his discretion may believe the interests of said county would be promoted by holding a special

Judge may issue precept. term of said court for the trial of said prisoner or prisoners, it shall be his duty by a precept, under his hand, to appoint a special term of the circuit court within such county, at such time as he shall designate, not less than twenty days from the date thereof.

Precepts, to whom directed. SEC. 2. Every such precept shall be directed to the sheriff of the proper county, and shall mention the time and place at which said court is to be held, and command the said sheriff, first, to summon a grand and petit jury for said court; second, to bring before the said court all prisoners then being in the jail of said county, or who are confined in the jail of any other county, but who are to be tried in the county where such special term is ordered, together with all process and proceedings any way concerning them in the hands of such sheriff; third, to make proclamation, notifying all persons bound to appear against said prisoners by recognizance or otherwise, to appear thereat; and requiring all coroners, justices of the peace, and other officers who have taken any recognizance, inquisition, or the examination of any prisoner or witness, to return the same before the opening of said court into the office of the clerk thereof.

Proclamation on notice, &c. SEC. 3. The sheriff immediately on the receipt of said precept, shall cause a proclamation, in conformity thereto, signed by him, to be advertised in some newspaper published in said county, and if no paper is published in said county, then by notices set up in six of the most public places in said county.

Clerk to issue venire to sheriff, &c. SEC. 4. The clerk of said court, whenever informed that a special term of said court is ordered, shall issue a venire to the said sheriff commanding him to summons the regular panel of grand and traverse jurors, who have been drawn for the next ensuing regular term of said court. And should there from any cause be no regular panel of grand and petit jurors drawn, then the sheriff shall summon said juries from the qualified citizens of said county.

Jurors supplied as now by law. SEC. 5. Should any of said grand and petit jurors fail to attend, the sheriff shall supply their places in the manner now provided by law.

Special term and sheriff's duties. SEC. 6. Said sheriff when informed that said special term is ordered, shall forthwith give notice of the same to any and all prisoners confined in said jail, and receive from them such directions as to the procuring the attendance of their witnesses as they may direct; and shall use proper diligence in procuring the attendance of said witnesses.

SEC. 7. It shall be the duty of the prosecuting attorney of the said circuit to attend and prosecute said prisoners, for which he shall receive such reasonable compensation as the court may direct, to be paid out of the county treasury. Prosecuting attorney to prosecute, &c.

SEC. 8. Said court when convened shall have power to adjourn from day to day, and may continue in session as long as the business thereof may require; and may in all things exercise all the powers, and shall be to all intents and purposes a regular term of said court: *Provided, however,* That no common law or chancery case shall be tried at said court except by agreement of the parties. Certain cases not to be tried.

SEC. 9. The clerk and sheriff shall receive such compensation for their services under this act, as the court may direct and allow, to be paid out of the county treasury. Officers, how paid.

SEC. 10. This act to take effect and be in force from and after its passage.

CHAPTER LVII.

An Act providing for the better payment of the Mortgages due the University Fund and other Trust Funds.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any lands mortgaged to the university fund, shall have become forfeited to the State for failure to pay principal or interest when due, and shall have been offered for sale, and bid in by the State for want of other purchasers, such tract or tracts of land may be sold by the auditor of State at private sale, for an amount not less than the principal, interest, damages, and costs. Lands bid in by State may be re-sold.

SEC. 2. In all cases where lands mortgaged to said fund, shall have been bid in by the State as aforesaid, and it may be considered by the auditor of State, that the same are not worth, and probably will not sell for the amount chargeable thereon, the said auditor shall cause a re-valuation thereof to be made in the same way and manner as is now prescribed by law for the appraisalment of lands to be mortgaged to said fund, and the auditor of State shall proceed to sell the same at pub- Re-valuation and sale, &c.

lic sale, for a price not less than the re-appraised value thereon, after having given notice according to law. But if no sale be had for the want of bidders, the auditor may sell the same at any time thereafter at private sale for such re-appraised value.

Auditor to make list of mortgages.

SEC. 3. It shall be the duty of the auditor of State, by the first day of April and the first day of October in each year, to make out a list of all mortgages to said fund, upon which the mortgagors have failed for more than six months to pay the amount of interest due, setting forth in such list the name of the mortgagor, a description of the land mortgaged, and the amount due thereon; which said list the auditor shall publish in some one of the newspapers published in Indianapolis, having the most general circulation, for four successive weeks after the first days of April and October, respectively, specifying a day in said publication, after the expiration of the said four weeks, when the lands upon which interest remains unpaid, shall be sold according to the laws now in force in relation to the sale of such lands, except so far as the same are modified by this act.

Mortgagors may re-instate lands.

SEC. 4. Any mortgagor whose lands may have been advertised for sale, as specified in the preceding section, may at any time before an actual sale thereof, re-instate his mortgage, by paying the interest due at the time of re-instating the same, together with the costs of advertising the lands, and five per centum damages on the principal due.

When five per cent. damages to be received.

SEC. 5. When lands mortgaged to said fund shall be offered for sale, and bid in by the State for want of other purchasers, it shall not be lawful for the officers conducting such sale, to receive out of the funds on hand the five per centum damages chargeable on the tracts so bid in by the State, until the lands so bid in shall be sold, and the damages chargeable thereon actually paid into the treasury by the person purchasing the same.

Provisions of this act applicable to other funds.

SEC. 6. The provisions of the foregoing sections are hereby extended to the saline fund, the bank tax fund, the surplus revenue fund, and the Congressional township fund. And the auditor of State in advertising and making sale of lands mortgaged to the funds mentioned in this section, shall have the same powers, and proceed in the same way as prescribed in case of the university fund.

Sales, how governed.

SEC. 7. All sales under the provisions of this act, shall be made on the same terms as is now provided by law, except so far as modified by this act.

SEC. 8. This act to be in force from and after its passage.

CHAPTER LVIII.

An Act to provide for a special term of the Allen Circuit Court.

[APPROVED DECEMBER 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the Allen circuit court are hereby authorized and directed to hold a special session of said court, for the trial of Silas Doty, now confined in the common jail of the county of Steuben, on a charge of murder, and who has taken a change of venue to said county of Allen; and also for the purpose of trying or otherwise disposing of the cases of any and all such persons who may be confined in the jail of said county of Allen on the first Monday of January, A. D. one thousand eight hundred and forty-six, on any criminal charge whatever.

Special term, for what purpose held.

SEC. 2. Said special sessions of said court shall commence on the first Monday of January, in the year of our Lord one thousand eight hundred and forty-six, and shall continue from day to day till all the business for which it is convened shall be disposed of.

When term to be held, &c.

SEC. 3. It shall be the duty of the sheriff of said county of Allen, or the person acting as such, on being informed of the passage of this act, to forthwith inform the sheriff of the county of Steuben and said Silas Doty of the passage of the same, and also the day on which the session of said court will commence, and to receive from said Doty such directions as to procuring the attendance of his witnesses as he may direct.

Duty of sheriff.

SEC. 4. Said notice shall be in writing, and shall be served on said Doty at least ten days before the commencement of said special term of said court; duplicate copies of which said sheriff shall file in the office of the clerk of the Allen circuit court.

Notice how gave and to whom.

SEC. 5. It shall be the duty of the clerk of the Allen circuit court, on the receipt of information of the passage of this act, forthwith to issue subpoenas for the attendance of all the witnesses in said case; and shall also issue one or more blank subpoenas, which the sheriff of said county of Allen shall immediately cause to be delivered to said Doty.

Duty of clerk.

SEC. 6. When said clerk shall receive notice of the passage of this act, he shall forthwith issue a *venire* to the sheriff of said Allen county, or his deputy, commanding him to summon the regular panel of traverse jurors,

Venire for jury.

selected for the February term of said court, for the year eighteen hundred and forty-six.

Grand jury summoned.

SEC. 7. Said clerk shall also, if any person or persons are confined in the jail of said county of Allen, on said first day of January, in the year eighteen hundred and forty-six, on a criminal charge, against whom no indictment has been found, to issue a *venire* requiring the sheriff of Allen county, or his deputy, to empanel the regular panel of grand jurors, who have been drawn for the next ensuing term of the Allen circuit court.

Jury supplied by talismen.

SEC. 8. Should any of said traverse or grand jurors fail to attend, the sheriff or his deputy may supply their places with talismen, in the manner now provided by the revised statutes of 1843.

Duties of court.

SEC. 9. Said court when convened, shall have power to adjourn from day to day, as long as the business thereof may require; and may do and perform all such acts as they might lawfully do at a regular term of said court: *Provided, however,* That no civil causes shall be tried at said special term.

SEC. 10. This act to be in force from and after its passage; and it shall be the duty of the secretary of State forthwith to forward a certified copy of this act to the clerk of the Allen circuit court.

CHAPTER LIX.

An Act to extend the time of holding Probate Courts in the Counties of Jackson and Greene.

[APPROVED DECEMBER 30, 1845.]

Length of term.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate courts in the counties of Jackson and Greene may sit twelve days at the May and November terms, if business require it.

Powers conferred on judges.

SEC. 2. That the judges of said probate courts be, and they are hereby authorized to take acknowledgments of deeds and other instruments of writing; and that they have the same power to try writs of *habeas corpus* as is granted to judges of the circuit court.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LX.

An Act changing the time of holding the Probate Courts in the County of Allen, and for other purposes therein named.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time fixed by law for holding the terms of the probate court in Allen county, shall be, and the same is hereby changed to the third Monday in January; the second Monday in April; the first Monday in August, and the first Monday in November, in each and every year. Courts, when to be holden.

SEC. 2. *And be it further enacted,* That said courts shall and may continue in session for three weeks at each term, should the business thereof require it. How long to continue in session.

SEC. 3. *And be it further enacted,* That hereafter it shall and may be lawful for the probate judge of said county, to issue writs of *habeas corpus*, and proceed to trial therein, and hear and determine the same in like manner as other judges of this State are now by law authorized to do. Powers vested in judge.

SEC. 4. *And be it further enacted,* That the said judge shall, when performing the services mentioned in the third section of this act, receive the same compensation, and be paid in the same manner as the associate judges of the circuit courts are now paid for performing the like services. Compensation of judge.

CHAPTER LXI.

An Act for the relief of Purchasers of Canal Lands.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the *bona fide* holder of any certificate of canal lands in this State, which may have been issued prior to the coming in force of the revised statutes of 1843, who may have become the holder of such certificate and the owner of the lands therein described, by purchase and assignment, from the original or other purchaser, shall upon final payment to the Final certificate, how obtained.

superintendent of the Wabash and Erie canal, of the purchase money for such land, be entitled to demand and receive from said superintendent a final certificate; although any assignment of such certificate, by the original or intermediate holder of said certificate, may not have been duly acknowledged at the time or subsequent to such assignment before a proper officer: *Provided, however,* That said superintendent shall not be required to issue such final certificate until he is satisfied that the holder of the same is the *bona fide* owner of such land.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXII.

An Act to change the time of holding Probate Courts in Dubois County.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time of holding the probate courts in Dubois county be so changed, that hereafter the terms of said courts shall commence on the first Mondays of the months of January, April, July, and October, and shall continue in session six days at each term if the business shall require it.

SEC. 2. This act to be in force from and after the first day of June next.

CHAPTER LXIII.

An Act relative to the June Term of the Tippecanoe Circuit Court.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter no grand or petit jurors shall be selected or summoned to attend the June term of said court.

SEC. 2. That when any case at such June term shall be at issue and ready for trial, it shall be lawful if both

parties consent thereto, for the court to order the sheriff to select a jury from the by-standers, who shall be good and lawful men, to try such issues as may be submitted to them; but should either party in any such suit demand a regular jury, the same shall be continued to the ensuing term of said court by operation of law.

SEC. 3. This act to take effect and be in force from and after its passage; and the secretary of State is hereby required to forward a certified copy thereof to the clerk of said court.

CHAPTER LXIV.

An Act to define the powers of Judges when acting on Writs of Habeas Corpus, and applications for Writs of Injunction.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the fifteenth section of chapter thirty-six of the revised statutes of 1843, be and the same are hereby extended to all judges when acting on writs of *habeas corpus*, and applications for writs of injunction.

CHAPTER LXV.

An Act to prevent County Auditors from practising as Attorneys and Counsellors at Law in the County Commissioners' Court.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That no person holding the office of county auditor, or exercising the duties thereof, shall be permitted to practice as an attorney and counsellor at law before the board of county commissioners of the county where such auditor holds his said office.

SEC. 2. This act to take effect and be in force from and after its passage.

County auditors
not to practice
law before coun-
ty commission-
ers' court.

CHAPTER LXVI.

An Act to amend the several acts providing for the Preservation of the State House, State Library, and Legislative papers.

[APPROVED JANUARY 15, 1846.]

Duties of librarian during recess.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the State librarian, during the recess of the legislature, to take proper care of the State house with all its furniture and appendages, and of the grounds, fences, trees, and all appurtenances of or belonging to the State house square.

Carpets, &c. to be cleaned.

SEC. 2. The carpets in the senate chamber, house of representatives, supreme court room, and each of the committee rooms, shall be taken up annually, immediately after the adjournment of the legislature; and the said carpets shall be cleaned and re-placed prior to the next meeting of the general assembly.

State house kept open.

SEC. 3. The State house shall be kept open every day, (Sundays excepted,) during the recess of the legislature, for the admission of citizens of Indiana, or others who may wish to examine the interior of the building.

Librarian superintend repairs.

SEC. 4. The State librarian is hereby authorized and directed, with the consent of the auditor, treasurer and secretary of State, to employ persons to do and make such repairs to the said State house, furniture, grounds, fences and appurtenances, as may be necessary, to prevent their injury or decay for the want of repairs. And upon a statement of the items of such repairs, and their value, approved and certified by the State librarian, the auditor of public accounts may issue a warrant for the amount on the treasury in favor of the person or persons who shall have performed the services.

Legislative halls prepared.

SEC. 5. It shall be the duty of the librarian to prepare the legislative halls for the annual meetings of the general assembly, and to keep fires in the senate chamber and in the house of representatives for the space of four days immediately preceding the commencement of each session.

State library, how kept, &c.

SEC. 6. The State library shall be kept in the rooms now occupied for that purpose in the State house, and the librarian shall keep the books arranged in a proper and convenient order, and shall preserve the same from moulding and from moths.

SEC. 7. The library shall be kept open at all times during the session of the legislature, (Sundays excepted,) in each day from nine o'clock in the morning until six o'clock in the evening; and on each and every Saturday during the recess, from eight o'clock in the morning until four o'clock in the afternoon: *Provided*, That it shall also be the duty of the librarian to keep the library open from eight o'clock in the morning until four o'clock in the afternoon, every day during the sittings of the district and circuit courts of the United States, and the sessions of the supreme court of the State of Indiana.

SEC. 8. It shall be the duty of the librarian, with the advice and consent of the auditor, treasurer, and secretary of State, to fix the time during which any authorized person may detain a book from the State library; and, further, to make and ordain from time to time such rules and by-laws for the government of said library, as will be best calculated to make the same useful to those interested; and a copy of such rules and by-laws shall at all times be set up in a conspicuous place in the library, for the inspection of every visiter. And all fines and forfeitures accruing under and by virtue of such by-laws, shall be recoverable by action of debt, before any court having jurisdiction of the amount, in the name of the State of Indiana, for the use of the State library; and in all such trials the librarian shall be a competent witness, and his entries, to be made as herein after directed, shall be *prima facie* evidence of the delivery of the book or books and the date of such delivery.

SEC. 9. The librarian shall keep proper books, in which he shall make an entry of all books taken out, designating the name of the individual taking the same; also of the books returned, and of all fines and penalties assessed and collected under the provisions of this act, or the by-laws established for the government of the library. He shall also keep a complete catalogue of the books belonging to the library, and shall from time to time add to such catalogue a list of all books purchased for the use of said library; and he shall erase from such catalogue such books as may be lost or destroyed, and shall annually report to the legislature (at the same time that the other State officers are required to report,) a full and complete statement of the condition of the State library, and also a complete statement of all expenditures made for the preservation of the State house under the provisions of this act.

SEC. 10. It shall be the duty of the librarian to collect all fines and forfeitures accruing to the State library,

Library when to be kept open.

Proviso.

By whom library regulated and governed.

Librarian shall keep proper entry books, &c.,

Annually report, &c.,

Fines and forfeitures, how to collect.

by suit or otherwise: the fines and forfeitures so collected, shall be paid over to the treasurer of State, taking his receipt for the same, which receipt shall be filed in the office of the auditor of State, who shall charge the same to the account of the treasurer of State for the use of the library.

To collect and preserve public documents.

SEC. 11. It shall be the duty of the librarian to collect, annually, and preserve duplicate copies of the messages of the president of the United States, and of each of the governors of the several States; reports of the different heads of departments of the General and State governments, of the committee of ways and means of the several States, the reports of the committees of Congress on all general subjects, and not to exceed two copies of the leading speeches made in Congress on each side of the question, on every subject of general interest: also, copies of the reports and proceedings of public societies for the promotion of agriculture, the mechanic arts, history, and literature: all of which shall be bound and placed in the State library.

Library, how repaired.

SEC. 12. It shall be the duty of the librarian, with the consent of the auditor, treasurer, and secretary of State, to make such alterations and repairs in the library rooms as may be necessary for the proper keeping of the books.

Copies of laws and journals to be preserved.

SEC. 13. It shall be the duty of the librarian to select from the journals and laws belonging to the State, twenty copies of the journals of the house for each year, ten copies of the journals of the senate, ten copies of the documentary journals, thirty copies of the general laws, and fifteen copies of the local laws, for each year; and he shall place the same in the south library room. The copies remaining after the selection here directed, shall be kept in a safe and proper manner.

Legislative papers, &c. how kept.

SEC. 14. The librarian shall have charge of the legislative papers, and the cases containing the same; and he shall keep, in good order, all bills introduced into either branch of the general assembly; all petitions, memorials and remonstrances, each in its appropriate file; and the files of each house shall be kept separately: and any person carrying away any such papers or documents, without the leave of the house to which they belonged, or embezzling the same, shall be liable in an action of debt in any court of competent jurisdiction, to the penalty of twenty dollars, in the name of the State of Indiana.

Salary of State librarian.

SEC. 15. The librarian shall receive an annual salary of five hundred dollars, which shall be in full compensation for his services, as required by this act, to be paid

quarterly out of the treasury, upon warrants drawn by the auditor.

SEC. 16. All laws and parts of laws coming within the purview of this act are hereby repealed.

SEC. 17. That for any and all expenditures created, and which may be created, under the direction of the State librarian, in and about the repairing, furnishing, and keeping in good order and condition the State house and furniture therein, and State house lot and appurtenances, also for all articles of stationery, lights, or other necessities, procured under his direction, for the annual use of the general assembly, and for all other expenses which necessarily and properly have been, or may be, incurred by said librarian in the discharge of his lawful duties, his certificate shall be deemed a proper voucher and authority for the auditor of State to grant and issue a warrant thereon, chargeable to the appropriate account.

Expenditures, how paid.

SEC. 17. This act to be in force from and after its passage.

CHAPTER LXVII.

An Act to subject certain Lands to Taxation.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all school lands which have heretofore been sold, or which may hereafter be sold, shall be subject to taxation as other lands, after ten years from the time of the sale thereof.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXVIII.

An Act relative to Tax Titles.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in making deeds to the purchasers of lands sold for taxes, the several county

auditors in this State, and clerks of the circuit courts performing the duties of county auditors, shall adopt and pursue the following form as nearly as the nature of the case will permit, to-wit:

Form of deed.

WHEREAS A— B— did on the — day of —, 18—, produce to the undersigned, C— D—, auditor of the county of —, in the State of Indiana, a certificate of purchase, in writing, bearing date the — day of —, 18—, signed by E— F—, who at the last mentioned date was the auditor of said county, from which certificate it appears that the said A— B— did, on the — day of —, 18—, purchase at public auction, at the door of the court house in said county, the tract, parcel, or lot of land, lastly in this indenture described, and which was sold to — for the sum of — dollars and — cents, being the amount due on the following tracts, parcels, or lots of land returned delinquent in the name of G— H—, for the non-payment of taxes, costs, and charges for the years —, to-wit: (*here set out the lands offered for sale,*) which said lands had been recorded, among other tracts, in the office of said auditor as delinquent for the non-payment of taxes, costs, and charges due for the year last aforesaid, and a true copy of said record transmitted to the office of the auditor of State, in manner and form as prescribed by law, and legal publication made of the sale of said lands on the said — day of —, 18—; and it appearing that the said A— B— is the legal owner of the said certificate of purchase, and the time fixed by law for redeeming the land therein described, having now expired, and none of the saving clauses of the one hundred and first section of chapter twelve, revised statutes of 1843, applying to this tract or parcel of land, and neither the said G— H— nor any person in his behalf, having paid or tendered the amount due the said A— B— on account of his aforesaid purchase, and for taxes by him since paid, and the said A— B— having demanded a deed for the tract of land mentioned in said certificate, and which was the least quantity of the tracts above described that would sell for the amount due thereon for taxes, costs, and charges as above specified; and it appearing from the records of said county auditor's office, that the aforesaid lands were legally liable to taxation, and had been duly assessed and properly charged on the duplicate with the taxes for the years —.

Therefore, this indenture, made this — day of —, 18—, between the State of Indiana, by C— D—, auditor of said county, of the first part, and the said A— B— of

the second part, witnesses: That the said party of the first part, for and in consideration of the premises, has granted, bargained, and sold unto the said party of the second part, his heirs and assigns, forever, the tract or parcel of land mentioned in said certificate and described as follows, to-wit: (*here set out the particular tract or parcel sold,*) to have and to hold the said last mentioned tract or parcel of land, with the appurtenances thereunto belonging to the said party of the second part, his heirs and assigns forever, in as full and ample a manner as the said auditor of said county is empowered by law to convey the same. In testimony whereof, the said C— D—, auditor of said county of —, has hereunto set his hand and affixed his official seal, the day and year last above written.

(Auditor's seal.)

State of Indiana, —, County, ss.

Before me the undersigned, —, in and for said county, this day personally came the above named C— D—, auditor of said county, and acknowledged that he signed and sealed the foregoing deed for the uses and purposes herein mentioned. In witness whereof I have hereunto set my hand and seal, this — day of —, 18—.

(Seal.)

SEC. 2. In case circumstances should exist requiring any variation from the foregoing form, in the recital part thereof, the necessary change shall be made by the county auditor executing such deed, and the same shall not be vitiated by any such change, provided the substance be retained. Auditor may vary form of deed.

SEC. 3. In making deeds to purchasers of lands sold for taxes, the county auditors shall not be compelled to include more than five distinct tracts or parcels of land in one deed; and in case two or more deeds be made to the same person, the auditor shall be entitled to demand and receive seventy-five cents for the first deed, and thirty-seven and a half cents for each additional one. Deeds to purchasers. Auditor's compensation.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER LXIX.

An Act relative to the duties of County Recorders.

[APPROVED JANUARY 15, 1846.]

Office when to
be kept open.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each county recorder shall keep his office open for the transaction of business every day in the year, Sundays and the fourth day of July excepted, from the hour of nine o'clock in the forenoon, until the hour of three o'clock of the afternoon; during which time, and at all other times within reasonable hours, when especially required by persons having business to transact in said office, he shall give attendance in person or by deputy.

Penalty for vio-
lation, &c. of
this act.

SEC. 2. If any recorder shall violate or offend against any of the provisions of this act, every such recorder upon every such offence, on conviction thereof on indictment, shall be subject to the same fine as is prescribed in the fifteenth section of chapter eight of the revised statutes of 1843.

CHAPTER LXX.

An Act prescribing the mode of Advertising sales of Lands returned delinquent for the non-payment of Taxes.

[APPROVED JANUARY 19, 1846.]

Delinquent lands
to be advertised.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the boards doing county business in the several counties in this State, at their September sessions in each year, to cause an order to be entered on their records, that the list of lands to be sold for non-payment of taxes, at the sale next succeeding the date of such order, shall be published in some newspaper of general circulation in the county, if any be published therein; but if no newspaper be published in the county, then the said board shall order said delinquent list to be published in some newspaper of general circulation in the nearest adjacent county.

SEC. 2. For their services in publishing such delinquent list, the proprietors and publishers of the papers in which the same is published shall be allowed the same compensation, per square, as is now allowed by law for publishing sheriff's sales, namely, one dollar for every square of two hundred and fifty ems. Compensation
for publishing.

SEC. 3. It shall be the duty of the auditor of each county of this State, on the completion of said publication, to assess the cost of this publication against lands and lots advertised, in proportion to the amount of delinquent taxes due by each person, and collect such amount with the taxes, on settlement or sale. Cost, how assess-
ed, &c.

SEC. 4. It shall be the duty of the proprietor or publisher of such papers, on the completion of the publication, to file a copy of each paper containing the same, with the auditor of the county ordering the same; and, also, an affidavit that the said list has been published according to the requirements of the law on that subject, and that the charges for the same are in accordance with the prices fixed by the second section of this act. It shall further be the duty of the printer or publisher of such papers to print such tax lists in such manner as will occupy the least possible space, consistent with the forms required by law. Duties of pub-
lishers.

SEC. 5. The costs of publishing said delinquent list shall be paid out of the county treasury, as heretofore; Printing paid
out of county
treasury. and at the annual settlement with the county treasurer, the county auditor shall estimate the State's proportion of such costs, and deduct such proportion from the amount to be paid into the State treasury, and credit the county treasury with the same.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER LXXI.

An Act relative to Apprentices.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the overseers of the poor in the several townships of this State are hereby authorized in binding apprentices, to require of the master or mistress to give such apprentices tuition to the extent now re- Suitable tuition
to apprentices.

quired by law; or suitable schooling for a certain length of time not less than twelve months, as may be thought for the interest of such apprentice: *Provided*, That said apprentice shall be sent to school in terms of three months continuously.

SEC. 2. All laws or parts of laws contravening the provisions of this act, are hereby repealed.

CHAPTER LXXII.

An Act for the relief of Messengers to notify Electors for President and Vice President of the United States.

[APPROVED JANUARY 15, 1846.]

Services of messengers paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the auditor to audit, and the treasurer of State to pay, to the several messengers appointed by the governor to convey to each of the electors of president and vice president of the United States for the year 1844, the certificate of his or their election, at the same rate of compensation as is authorized by law to the marshalls, for collecting the votes for such electors of president and vice president: *Provided, however*, That the auditor shall first be fully satisfied that such messenger performed the duty required of him by law.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER LXXIII.

An Act amending the Two Hundredth and Eighteenth Section of the Revised Code, Chapter Thirteen and page Two Hundred and Sixty-seven.

[APPROVED JANUARY 20, 1846.]

Time extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the one year allowed in the two hundred and eighteenth section of chapter thirteen, page two hundred and sixty-seven of the revised code, as the time within which the lands shall be redeemed in is hereby extended to two years.

SEC. 2. Where any purchaser has neglected the provisions of said section two hundred and eighteen for two years successively last past, then the proper commissioner shall be governed in all respects by the provisions of the two hundred and eighteenth, two hundred and nineteenth, and two hundred and twentieth sections, chapter thirteen, of [the] revised code aforesaid.

SEC. 3. This act to be in force from and after its passage, and a certified copy being filed in each of the canal land offices, or with the commissioner thereof. And all laws contravening the provisions of this act be, and the same are hereby repealed.

CHAPTER LXXIV.

An Act regulating the mode of enforcing the collection of certain costs in the several Courts of the State.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever hereafter any of the courts of this State, shall, before final judgment or decree in any cause pending therein, make an order against any party in court for the payment of costs, such court shall, upon motion of any person interested therein, render a judgment or decree upon such order, for the costs so ordered to be paid in favor of the party entitled to receive the same.

SEC. 2. All judgments and decrees rendered under the provisions of this act shall have the same force and effect of other judgments and decrees in such courts, and be subject to the same stays of execution, and be collected in like manner: *Provided, however*, That no such judgment, order, or decree shall in any way operate as a lien on real estate.

SEC. 3. All acts and parts of acts heretofore in force in this State, authorizing the imprisonment of parties upon attachments for the non-payment of costs, as for contempts, be and the same are hereby repealed; and all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXXV.

An Act to allow the Commissioners of the Wabash and Erie Canal to employ an Engineer, and for other purposes.

[APPROVED JANUARY 19, 1846.]

Shall employ an engineer.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the acting commissioner, general superintendent, or officer having charge of the Wabash and Erie canal, to employ at as early a period as possible, some competent and experienced engineer, to examine and gauge to each lessee or lessees of water power on said canal, and determine the quantity granted to him or them by the strict terms of their leases.

Amount of water to lessee.

SEC. 2. It shall be the duty of said officer, as soon as the amount of water has been fairly and strictly determined, to enter or record on the backs of each lease, the amount of water that each lessee or lessees are entitled to, and record the same on the duplicate leases in the office of the auditor of State.

SEC. 3. This law to be in force from and after its passage.

CHAPTER LXXVI.

An Act to amend an act fixing the time of holding Courts in the Fifth Judicial Circuit, approved January 13th, 1845.

[APPROVED JANUARY 14, 1846.]

Boone county court.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court in the county of Boone, after the passage of this act, shall sit six days at each term, if the business thereof requires it. So much of the act to which this is an amendment as authorizes the Boone circuit court to sit twelve days, be and the same is hereby repealed.

Marion county court may adjourn, &c.

SEC. 2. That the Marion circuit shall hereafter have power, and are hereby authorized at any time during the winter or summer term of said court to adjourn over said court to the Monday succeeding the court in the county of Boone, next after such adjournment; and said

adjourned court may sit as long as the business thereof shall require: and for all purposes whatever the adjourned court so held shall be taken and held to be a part and continuation of said winter or summer term so adjourned over.

SEC. 3. That the traverse jury summoned for the last week of the regular term of said circuit court, shall serve as jurors during the continuance of the adjourned court. Traverse jury.

SEC. 4. This act is declared to be a public act and to take effect from and after its passage. A public act.

CHAPTER LXXVII.

An Act to amend the Sixty-fifth Section of the Fifty-fourth Chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sixty-fifth section of the fifty-fourth chapter of the revised statutes of 1843, be so amended, that when such court or judges shall be satisfied by satisfactory proof, that such person is unable to pay or replevy such fine or costs, or fine and costs, that it shall be discretionary with said court or judges, either to discharge such person from custody, or to confine him or her in the county jail of the proper county, for any term of time, not exceeding one day for every fifty cents of such fines. Persons unable to replevy, &c. discharged or imprisoned, at the discretion of the court.

CHAPTER LXXVIII.

An Act declaring a mistake in the Revised Statutes of 1843, in relation to the boundary of Fulton and Kosciusko Counties, and for other purposes.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sections number one, two, three, ten, eleven, twelve, thirteen, fourteen, and fifteen, in township thirty, north of range four east, which by Boundary line corrected.

the statutes of 1843, is included in the boundaries of Kosciusko, be and the same is hereby declared to be a mistake, and that said territory be, and the same is hereby attached to the county of Fulton.

Official acts, &c.
legalized.

SEC. 2. *And be it further enacted*, That all the official acts of Jonathan Beebe, as associate judge, and John Ball, as justice of the peace, who acted as such from the year 1840, to the spring of 1845, be and the same are hereby legalized; and they are hereby forever released from any proceedings against them for usurpation for any such official acts.

SEC. 3. This act to take effect and be in force from and after its passage; and the secretary of State is hereby directed to forward a copy of this act to each of the clerks of the circuit courts of said counties of Fulton and Kosciusko immediately.

CHAPTER LXXIX.

An Act prescribing the mode of advertising sales of Lands mortgaged to the Sinking Fund.

[APPROVED JANUARY 20, 1846.]

Publication of
sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the commissioners of the sinking fund, in making publication of sales of lands mortgaged to said fund, to cause such publication to be made in some newspaper printed and published in the county in which the lands offered for sale are situated, if any newspaper be printed and published therein; and, if not, then in some newspaper published in the county nearest thereto: *Provided*, That hereafter it shall be the duty of the sinking fund commissioners to make their annual sale of delinquent lands at Indianapolis, on the second Saturday in December of each year.

Terms of publi-
cation, &c.

SEC. 2. Such publication shall be made upon the same terms and relative price as now prescribed by law for the publication of sheriff's sales; and the account therefor shall be verified by the affidavit of the publisher, that the notice of such sale has been published the requisite number of times, and that the price charged is in accordance with the law referred to.

Printer's ac-
count.

SEC. 3. It shall be the duty of the printer or publish-

er of said paper, to transmit his account to the president of sinking fund commissioners, immediately on the completion of said publication, with the proofs and affidavit required by the second section of this act.

SEC. 4. This act to be in force from and after its approval by the governor.

CHAPTER LXXX.

An Act to amend an act, entitled, "An act to provide for the continuance of the construction of all or any part of the Public Works, by Private Companies, and for abolishing the Board of Internal Improvements, and the office of Fund Commissioner and Chief Engineer, approved January 28, 1842."

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act, entitled, "an act for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28th, 1842," as authorizes the issue of scrip, and as relates thereto, be and the same is hereby repealed. And it shall not be lawful for any company organizing under the provisions of the above recited act, after the passage of this act, to avail themselves of any of the provisions of said act hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXI.

An Act to change the time of holding the Probate Courts in the County of Pike.

[APPROVED JANUARY 6, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts of the county of Pike shall be holden hereafter on the first

Mondays in February and May, and the fourth Monday in July and the first Monday in November, and may sit six days at each term thereof, if the business shall require it.

SEC. 2. This act to take effect and be in force from and after the first day of February next, and the secretary of State is hereby directed to forward a certified copy of this act to the clerk's office of said county of Pike.

CHAPTER LXXXII.

An Act changing the time of holding Probate Courts in Cass County.

[APPROVED JANUARY 14, 1846.]

Courts when to
be holden and
how long.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding probate courts in the county of Cass be so changed, that after the February term thereof in the year 1846, the terms of said courts shall commence on the first Mondays in the months of April, July, October, and January, and shall continue in session ten days at each term, if the business shall require it.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXIII.

An Act providing for the better preservation of the Legislative Papers.

[APPROVED JANUARY 12, 1846.]

How preserved,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the ninety-sixth section of article seventh, in the revised statutes of 1843, on the subject of State librarian and State library, be so amended, that the bills, petitions, and other legislative papers therein specified, shall hereafter, from time to time be alphabetically arranged, or in the orders of their respective numbers, and bound into volumes under the direction of the State librarian; the binding to be of a cheap

quality, and the form and dimensions of said volumes to be such as said librarian shall direct.

SEC. 2. Copies of which shall at all times be given to any member of the legislature desiring the same, certified by the librarian. Certified copies, who entitled to.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXXIV.

An Act to enable the inhabitants of the several Congressional Townships in this State to re-appraise and sell any of their unsold School Lands.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in any congressional township in this State in which the school lands of said township may heretofore have been appraised and not sold, it shall be lawful for any five qualified voters of said township to file with the trustees of the township their petition, setting forth their desire to have said appraised and unsold school lands re-appraised and sold; and when such a petition is filed with said trustees, it shall be their duty to insert in the notices for the annual election of trustees, the further notice, that a balloting will then be had to determine whether the land so petitioned for shall be re-appraised and sold or not. How re-appraised and sold.

SEC. 2. A copy of such petition shall be entered on the book containing the record of the proceedings of such trustees, with the time of its reception and their action thereon. Copy of petition, when and where filed.

SEC. 3. Each voter favoring the re-appraisalment and sale of said land, shall write on the ballot used by him at such election, the words "re-appraisalment and sale," if he is in favor thereof; or the words "no re-appraisalment and sale," if he is opposed to such re-appraisalment and sale. Manner of voting.

SEC. 4. If a majority of the voters at such election shall vote in favor of a re-appraisalment and sale, a certificate of that fact shall be made out and signed by the clerks of such election, and within a reasonable time filed with the clerk of the trustees of such township, which certificate shall be by such trustees entered on their record book. Votes in favor of sale, how certified.

Re-appraisal
and sale.

SEC. 5. After the entry of such certificate on the record books, the trustees shall proceed to have said lands re-appraised and sold in the manner prescribed by the statutes now in force for the sale of school lands.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER LXXXV.

An Act to extend an act to provide for the transfer of the Surplus Revenue Fund, &c., approved February 11th, 1843.

[APPROVED JANUARY 19, 1846.]

Provisions of act
extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions of the above recited act, which are applicable, be and they are hereby extended to the funds in the hands of the trustees of congressional township number two, north of range four east, in Washington county.

By whom settle-
ment to be made.

SEC. 2. A like settlement, as prescribed in the afore-said act, with the trustees of said township of the funds in their hands belonging to said township shall be made by the board of county commissioners of said county.

Books, &c. trans-
ferred.

SEC. 3. The like transfers of books, papers, and securities belonging to said township fund shall be made, and the like proceedings and remedies laid in relation thereto, as in said act are prescribed in relation to the surplus revenue fund.

Treasurer to pay
over money, &c.

SEC. 4. The treasurer of said congressional township shall immediately after such settlement, pay over to the school commissioner of said county all moneys in his hands belonging to said township, and the balance found due on such settlement, and take the receipt of the school commissioner therefor; which receipt shall be filed with the auditor of said county.

Funds how loan-
ed, &c.

SEC. 5. That all laws now in force in relation to congressional township funds be extended to the funds of said congressional township, and that the auditor and school commissioner of said county loan and mortgage the funds hereby transferred in the same manner and under the same liabilities and restrictions as other township funds.

SEC. 6. All laws and parts of laws coming within the purview of this act, be and the same are hereby repealed. Conflicting laws
repealed.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER LXXXVI.

An Act to amend an act, entitled, An Act to change the time of holding the Probate Court in the County of Martin, approved January 13th, 1845.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act entitled, an act to change the time of holding the probate courts in the county of Martin, approved January 13th, 1845, as requires that court to be held on the fourth Monday in August, be and the same is hereby repealed. Part of act re-
pealed.

SEC. 2. Instead of the fourth Monday in August, the said term shall be held on the fourth Monday in July. Court, when to
be holden. This act to take effect and be in force from and after its approval by the governor.

CHAPTER LXXXVII.

An Act to change the time of holding Circuit Courts in the County of Adams.

[APPROVED DECEMBER 30, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the circuit court in the county of Adams shall commence on the Tuesday next succeeding the day now fixed by law for the commencement of the circuit court in said county. Court, when to
be holden.

SEC. 2. All writs, subpoenas, venires, rules, orders of courts, recognizances, and all suits, pleas, complaints, prosecutions, actions, motions or proceedings pending prior to the taking effect of this act, shall be returnable, taken up, and acted upon at the time of such court to be hold- Prior proceed-
ings not affected.

en under this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such court.

Copy to be forwarded, &c.

SEC. 3. It shall be the duty of the secretary of State to forward immediately to the clerk of the circuit court of the county of Adams a copy of this act.

SEC. 4. This act to take effect and be in force from and after its passage, and a copy filed in the clerk's office of said county of Adams.

SEC. 5. All laws and parts of laws coming within the purview of this act, be and the same are hereby repealed.

CHAPTER LXXXVIII.

An Act to amend the Statute regulating the duties of Clerks of Executors' and Administrators' Sales.

[APPROVED JANUARY 14, 1846.]

Duties of clerks.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall only be necessary for clerks of executors' or administrators' sales, in their accounts thereof, to specify the time and place of such sale, the different articles sold, by whom purchased, and the amounts for which the same were sold.

Conflicting laws repealed.

SEC. 2. So much of the one hundred and seventy-first section of the thirtieth chapter of the revised statutes of 1843, as comes in conflict with the provisions of this act, be and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXXIX.

An Act to change the time of holding the Probate Courts in the Counties of Perry and Harrison.

[APPROVED DECEMBER 30, 1845.]

Perry county courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Perry county shall commence its session upon the fourth in-

stead of the second Monday in the respective months in which it has heretofore been required to commence.

SEC. 2. *Be it further enacted*, That the probate court of Harrison county shall hereafter be held on the third Mondays of February, May, August, and November in each year.

SEC. 3. This act shall be in force from and after its passage, and publication in the Indiana State Sentinel.

CHAPTER XC.

An Act limiting the time within which actions for the recovery of Real Estate shall be commenced.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every real, possessory, mixed, or other action for the recovery of any lands, tenements, or hereditaments, shall be brought or commenced within twenty years next after the right of entry upon or cause of action for such lands, tenements, or hereditaments, shall have accrued and not afterwards: *Provided*, That if at the time when such right of entry or cause of action shall first accrue, the person entitled thereto shall be within the age of twenty-one years, or out of the United States, insane, idiot, or a married woman, such person claiming by, from, or under him or her, may bring an action at any time within five years from and after such disability shall cease or be removed.

CHAPTER XCI.

An Act changing the time of holding Circuit and Probate Courts in the Counties of Clark and Floyd.

[APPROVED JANUARY 13, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of June, A. D., 1846, the circuit court for the county of Clark in said State, shall hold its terms upon the

first Monday in February, and the first Tuesday after the first Monday in August in each year; and shall, at its said February term, sit twelve days, and at its said August term sit eleven days, if the business of the court require it.

Probate court,
how long to sit.

SEC. 2. The probate court in the county of Clark shall, after the first day of June, 1846, hold its terms upon the second Mondays in May and November, and the last Mondays in January and July; and shall sit one week at each term, if the business of the court shall require it.

Conflicting laws
repealed.

SEC. 3. All laws and parts of laws, coming in conflict with this act, and so much thereof as authorizes and requires a term of the Floyd circuit court, commencing on the fourth Monday of July in each year, be and the same are hereby repealed.

Floyd circuit
court.

SEC. 4. The circuit court of the county of Floyd shall, after the first day of June, in the year of our Lord one thousand eight hundred and forty-six, hold its terms on the fourth Mondays of April and October, and shall at each term continue in session three weeks, if the business require it.

Floyd probate
court.

SEC. 5. The probate court of the county of Floyd shall, after the first day of June, in the year of our Lord one thousand eight hundred and forty-six, hold four terms in each year, commencing on the second Mondays in August and February, and on the third Mondays of May and November, and shall sit six days at each term, if the business require it.

SEC. 6. This act to take effect and be in force from and after the first day of June, 1846.

CHAPTER XCII.

An Act to allow owners of partnership Fences to remove the same.

[APPROVED JANUARY 20, 1846.]

May remove
fences, and how.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, any person or persons having or owning a partnership partition fence or fences, on any lands within this State, that either party to any such partition fence or fences shall have the privilege, by giving the other party six months' notice of his, her, or their intention, to remove his, her, or their part

of any such partnership partition fence or fences at any time thereafter.

SEC. 2. And that so much of the twenty-second chapter of the revised code of 1843, relative to partnership partition fences, as comes within the purview of this act, be and the same is hereby repealed: *Provided, however*, That nothing in this act shall be so construed as in any way or manner to impair the validity of any contract entered into between [the] parties for keeping in repair their division fences.

Conflicting laws
repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XCIII.

An Act to provide for taking the sense of the qualified voters of the State on the calling a Convention to alter, revise, or amend the Constitution of this State.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the inspectors and judges of elections, in the several townships within each county in this State, at the annual election in August next, to open a poll in which shall be entered all the votes given for or against a convention to alter, revise, or amend the constitution of this State.

Duty of inspec-
tors and judges.

SEC. 2. Every qualified voter of this State may, if he choose, at the annual election in August next, vote for or against the calling of a convention for the purpose mentioned in the first section of this act.

Optional about
voting.

SEC. 3. If such voter shall be in favor of a convention, he shall write or print, or partly write and partly print on the same ballot with which he votes for State or county officers, the words, "for a convention;" if against a convention, he shall in the same manner have the words "against a convention," on his ballot as aforesaid.

Manner of vot-
ing.

SEC. 4. It is hereby made the duty of the inspectors and judges of elections, to certify the votes given for and against a convention, to the clerks of the circuit courts, respectively, in the same way and manner, and under the same restrictions and penalties, that votes for State and county officers are certified.

Votes, how to be
certified.

How certified to
secretary, &c.

SEC. 5. It shall be the duty of the clerks of the circuit courts throughout this State, to certify and make returns of all the votes given for and against a convention, to the secretary of State, in the same way and manner that votes given for governor and lieutenant governor are required by law to be certified: and they shall be subject to the same penalties for a neglect of duty. It shall be the duty of the secretary of State to lay before the next general assembly, on the second Monday of December next, all the returns by him received pursuant to the provisions of this act.

His duty.

Sheriffs to give
notice.

SEC. 6. It shall be the duty of the several sheriffs of this State, to give six weeks' public notice, in a newspaper, if one be published in his county; if not, by written notices in each township of his county, that there will be a poll opened for the purposes specified in this act.

CHAPTER XCIV.

An Act to amend the First Article of the Fifty-third Chapter of the Revised Laws of 1843, and for other purposes.

[APPROVED JANUARY 19, 1846.]

Penalty for, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every person who shall be the keeper or exhibiter of any gaming table, such as A B C, or E O table, billiard table, roulette, shuffle board, faro bank, or nine-pin alley, or ten-pin alley, for the purpose of winning, betting, or wagering money or other article or property of value, shall, upon conviction thereof, be fined in any sum not less [than] ten nor more than one thousand dollars; to which may be added imprisonment in the county jail for any term of time not exceeding three months, at the discretion of the jury trying the same.

Professional
gamblers, how
punished.

SEC. 2. That every person who shall gain his livelihood by gaming, and shall have no other visible occupation or calling, or shall be found wandering about from place to place without [any] fixed residence in this State, in the habit or practice of gambling, shall be deemed and taken to be a professional gambler, and shall, upon conviction thereof, be imprisoned at hard labor in the State prison, for not less than one year, nor more than five

years, or fined and imprisoned in the county jail, at the discretion of the jury trying the same.

SEC. 3. The thirty-fourth section of the first article of the fifty-third chapter of the revised statutes of 1843, be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XCV.

An Act to amend the Three Hundred and Twenty-sixth Section, of Chapter Forty, Revised Statutes of 1843, relative to Charges to Juries.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the court or judge shall reduce any matter to writing, as provided for in the said three hundred and twenty-sixth section of the fortieth chapter of the revised statutes of 1843, it shall be the duty of said court or judge, to file the same with the other papers, and the same shall form and become a part of the record of said cause. Writings filed as
part of record.

SEC. 2. This act to take effect and be in force from and after its passage. And all laws and parts of laws contravening the provisions of this act, are hereby repealed.

CHAPTER XCVI.

An Act to change the time of summoning petit jurors to appear in the Circuit Court for Vigo County, and for other purposes therein named.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be lawful for, and made the duty of, the sheriff of Vigo county, to summon the petit jurors for the circuit court thereof, to be and appear on the second Monday of each term Petit jurors, how
summoned, &c.

of said circuit court, instead of the first Monday of each term of said court.

First week, how occupied.

SEC. 2. *And be it further enacted*, That the first week of each term of said circuit court shall be occupied in taking judgments by default, *nil dicit*, and by confession, pleading, arguing, and settling all demurrers, and closing the issues in all the causes set for trial at the said term of said court, and the trial of chancery causes, and all other causes that the parties may agree upon.

Criminal causes, when set for hearing.

SEC. 3. All criminal causes in said court shall be set for the first day of the second week of each term, and take precedence of civil causes.

Certain laws repealed.

SEC. 4. All laws, or parts of laws, conflicting with the provisions of this act, be and the same is [are] hereby repealed.

SEC. 5. This act to be in force from and after its passage, and publication in the Indiana State Journal and Indiana State Sentinel.

CHAPTER XCVII.

An Act in relation to the Probate Courts of Henry County.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts in the county of Henry shall continue in session two weeks, at every term thereof, if the business requires it.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCVIII.

An Act to legalize the assignment of Certificates to certain School Lands in this State.

[APPROVED JANUARY 19, 1846.]

Auditor to make deed to holder of certificate.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the *bona fide* holder of any certificate of school lands in this State, who may have become the holder of such certificate, and owner of such

lands by purchase and assignment from the original or other purchasers, shall be entitled to demand of and from the county auditors authorized to convey such lands, a deed in fee simple for the same, although the said certificate, when the same was assigned by the original, or any other intermediate purchaser, has not been acknowledged before the proper officer, as required by the law at the time of such assignment. But it shall not be lawful for any county auditor to make any deed to such land specified in such certificate, unless such auditor shall be satisfied that the person who holds the same is in good faith the owner of such land. Nor until full payment for the same has been made, that in all cases contemplated by this act, the county auditor shall be satisfied to whom a deed for such lands should in equity and justice be made. And he is authorized to hear evidence, either oral or written, to ascertain the rights of the party who may desire any such conveyance.

SEC. 2. That an act entitled, "an act to legalize the assignment of certificates to certain school lands in this State," approved January 13th, 1845, be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XCIX.

An Act amendatory of the Third Section of Chapter Fifty, of the Revised Statutes of 1843.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the several boards ^{Jurors, how to be selected.} doing county business in this State, shall, in selecting grand and petit jurors, as directed in the act to which this is amendatory, put into the box at least triple the number of names of qualified persons required for grand and petit jurors for the ensuing year; and from said number of names, the grand and petit jurors shall be drawn as directed by the act aforesaid.

SEC. 2. This act to be in force from and after its passage: and the secretary of State shall cause a copy of this act to be filed in the several circuit courts of this State, on or before the first day of April, 1846.

CHAPTER C.

An Act extending the time of holding the Probate Courts in Shelby County.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Shelby county shall hereafter, at each term thereof, hold its sessions twelve days, if the business thereof require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CI.

An Act transferring the duties of School Commissioner in the Counties of Daviess and Martin, to the County Treasurer of said Counties.

[APPROVED JANUARY 15, 1846.]

Duties of school commissioners transferred, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, the county treasurers of the counties of Daviess and Martin, shall do and perform all the duties required by law to be done and performed by the school commissioners of said counties; and they are hereby authorized to receive from said school commissioners, or whosoever hands they may be in, all the books, papers, moneys, or effects appertaining or belonging to the office of the school commissioners of their respective counties.

Treasurers' compensation, &c.

SEC. 2. The treasurers shall receive for their services in performing the duties required of them by this act, the same compensation as was allowed the school commissioners, and shall in all respects be governed by the laws in force relative to school commissioners.

Bond given by treasurer.

SEC. 3. The treasurer of Daviess county shall, before he receives the books, papers, moneys, and effects from the person in whose hands they now are, (belonging and pertaining to the office of school commissioner aforesaid,) give bond with at least two freehold securities, in the sum of five thousand dollars, to the acceptance of the county board. The said duties of school commis-

sioner shall be performed by said treasurer, by virtue of his office as treasurer.

SEC. 4. The office of school commissioner is hereby abolished, so far as relates to the county of Daviess. School commissioner's office abolished.

SEC. 5. The treasurer of Martin county, in his capacity as school commissioner, shall, in conjunction with the county board of Martin county, (whose duty it is hereby made,) at some convenient time, not later than the fifteenth day of May, 1846, convene together as a board, and shall then make such a distribution, of such school funds as have become blended, among the respective townships entitled to the same, such distribution to be made upon the principles of equity and justice. School funds distributed, &c.

SEC. 6. The said board as constituted by the third section of this act, shall, as soon as they have adjusted the funds, as in that section is required of them, report the same to the auditor of the county, who shall immediately credit the same to each township entitled thereto. Board shall report, &c.

SEC. 7. The auditor of State shall immediately furnish each county aforesaid with a copy of this act, the expense of which shall be paid by the auditors of said counties, out of the school funds.

SEC. 8. This act to be in force from and after its passage, and shall be published with the general laws.

CHAPTER CII.

An Act to amend an act, entitled, "An act to reduce the tolls on the New Albany and Vincennes Road, and for other purposes," approved January 13th, 1844.

[APPROVED DECEMBER 3, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of having the finished portion of the New Albany and Vincennes road kept in repair, it is hereby made the duty of the superintendent on said road, to lay off the same into eight divisions, and give public notice that bids will be received for keeping each of said divisions in repair for one year, which notice shall be published at least three weeks before such letting. Bids received for keeping road in repair.

SEC. 2. Each division of said road shall be let by said superintendent to the lowest responsible bidder for the same; and if bids are not received by said superin- Lettings, how made, &c.

tendent for each of said divisions, then he shall keep such divisions as are not bid for in repair, according to the provisions of the act to which this is an amendment.

Overplus of tolls
how applied.

SEC. 3. After making the expenditures and payments now provided by the act to which this is an amendment, out of the tolls arising from said road, said superintendent shall apply the overplus in just proportion to the renewal and payment of certain notes given by the former commissioner, on account of the west end of said road, and to the redemption of the certificates issued by said commissioner, and in keeping the west end of said road in repair.

Conflicting laws
repealed.

SEC. 4. All parts of laws coming in conflict with this act, be and the same are hereby repealed.

SEC. 5. This act to be in force from and after its passage: and it is hereby made the duty of the secretary of State to forward a certified copy of the same to the superintendent on said New Albany and Vincennes road.

CHAPTER CIII.

An Act to amend the several acts now in force relative to the New Albany and Vincennes Road.

[APPROVED JANUARY 19, 1846.]

Superintendent
to make repairs
east of Paoli.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That after the taking effect of this act, the superintendent on the New Albany and Vincennes turnpike road, shall expend a sum in repairs on said road east of Paoli, not exceeding seventeen hundred dollars per annum, to be paid out of the tolls received on said road.

Repairs west of
Paoli.

SEC. 2. That said superintendent shall expend in repairs on and for the completion of said road, west of Paoli, and east of Mount Pleasant, a sum not exceeding five hundred dollars per annum, to be paid out of the tolls received on any part of said road.

Jonathan Brax-
ton.

SEC. 3. The said superintendent shall pay out of the tolls received, the balance that may be due to Jonathan Braxton, for building gates and toll houses.

Gate to be erect-
ed, &c.

SEC. 4. Said superintendent shall procure a toll gate to be erected on said road at the bridge at the east crossing of Lost river; at which such tolls shall be paid as are now allowed by law, as for a division of ten miles.

SEC. 5. The tolls authorized to be charged by the last section, shall be charged only when the grade west of Paoli is in a good state for travelling; and when said grade is muddy, out of repair, or otherwise in a bad state for travelling, said toll gate shall be thrown open, and no toll charged. And it is hereby left to the sound discretion of said superintendent to determine by the criterion above specified, when toll shall, and when it shall not be charged at said gate.

SEC. 6. Said superintendent shall employ a gate keeper to keep said last mentioned gate, at a salary not exceeding sixty dollars per annum, to be paid as the salary of other gate keepers is paid.

SEC. 7. Out of the tolls received on said road, after paying the expenditures above specified in this act, and the salaries of the other gate keepers, and the salary of said superintendent, herein after allowed, the said superintendent shall pay to Henry Turner the amount of money which he shall [have] paid on account of a note given by him, and endorsed by James Collins and R. A. Clements, to the New Albany branch bank, for money expended on said road.

SEC. 8. The surplus tolls, after making the payments herein above provided for, shall be applied by said superintendent, in payment of the annual interest of the certificates issued by R. A. Clements, a former commissioner on said road, in proportion to their amounts, computing said annual interest from the date of the approval of this act. Said superintendent shall also pay the interest and instalments on said note given by said Henry Turner, as the same shall become due according to the rule of payment adopted by said bank; which when paid, shall be considered as paid on account of the certificate issued to said Turner.

SEC. 9. The superintendent shall also issue to Owen McManus a certificate for the amount due to him for work done on said road between Paoli and Mount Pleasant, previous to November 27th, 1843, bearing interest at the rate of six per centum per annum from that date; which certificate, when issued, shall be considered in all respects as if it had been issued by the former commissioner.

SEC. 10. Should a surplus of tolls remain after paying the annual interests on said certificates, and Turner's note, as above provided for, the said superintendent shall apply said surplus in payment of back interest; and when all interest shall be paid, then the surplus shall be applied in payment of the principal of said certificates.

Interest on certificates, where paid.

SEC. 11. It shall be the duty of the superintendent to appoint a day in each year, on which he will pay the interest on said certificates, at each of the following places, to-wit: New Albany, Paoli, Mount Pleasant, Washington, and Vincennes, and to give four weeks' public notice of the days on which he will pay the same at each of the above named places, by publishing the same for three weeks successively, in some one of the public newspapers published at each of the above named places.

Amount paid to be endorsed on back of certificate.

SEC. 12. When said superintendent shall pay the interest, or any part thereof, or any part of the principal of said certificates, he shall endorse on the certificate the amount, and for what paid; and shall also keep a register of said certificates, with the amount paid thereon; and shall also take receipts from the holders of said certificates for the amount paid, which receipts shall be vouchers for him in his settlement with the auditor.

Location of road when completed.

SEC. 13. It shall be the duty of the superintendent to complete the location of said road to Vincennes during the year eighteen hundred and forty-six, the expenses of which, except for the superintendent's own labor, "at the expense of the county of Knox, so far as it runs in said Knox county: and so far as it is yet to be located in Daviess county, at the expense of the said county of Daviess."

Superintendent's compensation.

SEC. 14. Said superintendent shall receive as a compensation for his services as such superintendent, the sum of five hundred dollars per annum; which shall be in full for all his services and expenses, and which shall be retained by him out of the tolls received on said road.

Bids for repairs, &c.

SEC. 15. In receiving bids for the repairs of any division on said road, the superintendent shall not be compelled to accept of any bid if he shall think the same too high: *Provided*, He shall not be allowed to pay a larger sum for said repairs than the lowest amount bid by a responsible bidder. And for the purpose of repairs, the road between Paoli and Mount Pleasant shall be divided into divisions of convenient length, and let out to contractors, as provided for in this act and the acts to which this is amendatory.

Appropriations for repairs, how made.

SEC. 16. The superintendent shall not appropriate a larger sum annually, for the repairs of said road, than is herein before specified; and should he appropriate a larger sum, he shall not be allowed a credit for the excess, and shall moreover be liable to any person or persons injured thereby, to the amount of such excess:

which may be recovered from him by an action of debt, in any court having competent jurisdiction thereof.

SEC. 17. No person shall be allowed to obstruct said road, nor to build houses or fences, or place any other obstructions within the limits of the eighty feet allowed to said road, and where such obstructions have heretofore been made, or shall hereafter be made, it shall be the duty of the superintendent to notify the person or persons making such obstructions to remove them, and if they shall fail or refuse so to do, he or they shall forfeit and pay a sum not to exceed ten dollars, which may be recovered in an action of debt, in the name of the State, before the proper justice of the peace; which sum when recovered shall be applied to the repairs of said road.

Punishment for obstructing road.

SEC. 18. Every person making or causing obstructions, as in the above section, shall forfeit and pay the further sum of five dollars, for every day he may suffer such obstructions unnecessarily to remain within the limits of said road, to be recovered in the manner and for the use specified in the last preceding section.

For continuing obstructions how punished.

SEC. 19. Every person who shall drag logs, timber, or other heavy material along said road, to its injury, and every person who shall camp in any of the bridges on said road, or build fires so near thereto as to endanger their safety, shall forfeit and pay for every such offence, a sum not exceeding ten dollars, to be recovered in the manner and for the use specified in the preceding sections.

Further obstructions, &c.

SEC. 20. It is hereby made the duty of the superintendent, to enforce the provisions of the three preceding sections, against any person or persons violating them, as often and as soon as any violation of them shall come to his knowledge.

The law to be enforced immediately.

SEC. 21. All laws and parts of laws contravening the provisions of this act, are hereby repealed.

Certain laws repealed.

SEC. 22. This act to take effect and be in force from and after the twenty-seventh day of February, one thousand eight hundred and forty-six. And it is hereby made the duty of the secretary of State to forward to the superintendent a certified copy of this act.

When to take effect.

CHAPTER CIV.

An Act to prohibit the County Court of Scott County from levying a Tax therein named.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county court of the county of Scott, be and they are hereby prohibited from levying a tax for county purposes, higher than fifteen cents on the one hundred dollars worth of property.

SEC. 2. This act to be in force from and after its passage, and publication in the Indiana State Sentinel.

CHAPTER CV.

An Act to provide for the re-appraisement of Real Estate heretofore appraised and subject to Taxation.

[APPROVED JANUARY 19, 1846.]

County commissioners to appoint appraisers, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the county commissioners of the several counties in this State, at their March term in 1846, to appoint assessors, whose duty it shall be to appraise all the real estate subject to taxation in the several counties in Indiana; which appraisement shall stand and remain in force until altered by the legislature.

To be governed by 3d article of 19th chapt. Rev. Statutes.

SEC. 2. That the assessors appointed under the provisions of the foregoing section, shall in all things observe and be governed by the third article of the twelfth chapter of the revised statutes of Indiana for the year 1843, except so far as the same may contravene the provisions of this act.

Owen county.

SEC. 3. That all persons subject to taxation in Owen county, shall make out a true list of all their personal, as well as real property, and present it to the assessors of the several townships in said county, whose duty it shall be to swear each one that said list contains a true statement of the amount and value of his property, to the best of his knowledge and belief; and the said assessors in the county of Owen shall be governed in all re-

spects by the law now in force in said county, except so far as it contravenes this act.

SEC. 4. This act to take effect and be in force from and after its passage: and it shall be the duty of the secretary of State to forward certified copies of this act to the several counties in this State: *Provided*, That nothing in this act shall be so construed as to permit the board doing county business in the county of Washington, to appoint any other person than the assessor of the personal property of said county to assess the real estate thereof: *Provided*, That nothing herein contained shall be so construed as to prevent the boards doing county business to appoint the present assessors to perform the duties required in this act: *Provided*, That when any of said counties have no assessor, then the board of commissioners shall appoint an appraiser.

SEC. 5. That in the counties of Scott, Crawford, Putnam, Monroe, Morgan, Dubois, Dearborn, Hendricks, Randolph, Boone, Switzerland, and Knox, the assessors of the personal property, shall be the appraisers of the real estate.

SEC. 6. It is hereby made the duty of the several county auditors in this State, to make out and deliver to such appraiser, on demand, a list of all taxable lands situate within their respective counties, on or before the tenth day of March, 1846, together with the name or names of the owners thereof.

CHAPTER CVI.

An Act to prescribe the mode of selecting Grand and Petit Jurors in the County of Hendricks.

[APPROVED DECEMBER 22, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That chapter fifty of the revised statutes of 1843, prescribing the mode of summoning and empannelling grand and petit jurors, be and the same is hereby declared to be in full force in the county of Hendricks.

SEC. 2. That it shall be the duty of the board of commissioners of said county of Hendricks, at their March term, 1846, together with the clerk of the Hendricks circuit court, to select in the manner prescribed by said

fiftieth chapter of the revised statutes, the necessary panels of petit jurors, to serve as such, at the April term, 1846, of the Hendricks circuit court.

Acts repealed.

SEC. 3. That all laws and parts of laws coming in conflict with the provisions of this act, and especially an act, entitled, "an act to provide for selecting petit jurors in Hendricks county, and for other purposes," approved January 17, 1842, be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its passage: and the secretary of State is required to forward a certified copy thereof to the clerk of the Hendricks circuit court, to be filed in his office, at as early a day as practicable.

CHAPTER CVII.

An Act to extend the provisions of the Revised Statutes of 1843, in relation to Roads and Highways, to the County of Posey.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions of the revised statutes of 1843, and all acts amendatory thereof, of a general nature, in relation to roads and highways, be and the same are hereby extended to the county of Posey.

SEC. 4. This act to take effect and be in force from and after its publication in the Indiana State Sentinel.

CHAPTER CVIII.

An Act to repeal in part an act entitled "An act to provide for summoning grand and petit jurors in Decatur and Warren counties," approved January 15, 1844.

[APPROVED JANUARY 6, 1846.]

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the above recited act as refers to the manner of selecting grand and petit jurors in Decatur county, be and the same is hereby re-

pealed; and the general law of the State, as contained in chapter fifty of the revised statutes of 1843, is hereby declared to be in full force in said county of Decatur. ^{Revised laws in force.}

SEC. 2. This act shall take effect and be in force from and after its passage and publication in the Indiana State Journal.

CHAPTER CIX.

An Act regulating the fees of Petit Jurors in the County of Hancock.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each petit juror in the county of Hancock shall be allowed the sum of fifty cents for each trial: *Provided*, Such trial does not detain such juror more than one day; but in case he is detained more than one day on such trial, he shall receive seventy-five cents for every additional day, to be taxed against the party losing such suit.

SEC. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CX.

An Act defining the boundaries between the counties of Clark and Washington.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of sections twenty-eight and twenty-nine, of chapter two, of the revised statutes of 1843, as relates to the boundary line between the counties of Clark and Washington, be and the same is hereby repealed. ^{Part of act repealed.}

SEC. 2. That so much of the revised statutes of 1831 as defines the boundary line between said counties, be ^{Revised code in force.}

and the same is hereby revived and declared to be in full force.

Repeal.

SEC. 3. That all laws and parts of laws coming in conflict with this act be repealed.

SEC. 4. This act to take effect and be in force from and after its publication.

CHAPTER CXI.

An Act declaring a misprint in a certain case.

[APPROVED JANUARY 20, 1846.]

Misprint corrected.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section sixty-three, chapter six, of the revised statutes of Indiana, be so amended that the words "folding reports and bills, per thousand copies," shall read, "folding reports and bills, per hundred copies;" and that the word "thousand," in that connexion, be and the same is hereby declared a misprint.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXII.

An Act in relation to the sale of Saline Lands in Orange county.

[APPROVED DECEMBER 30, 1845.]

Giving commissioners power to sell land.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner of saline lands in Orange county shall have power to sell said lands on the following terms: first, one fourth of the purchase money to be paid at the time of sale, with interest on the residue for one year in advance; second, such residue to remain on interest at the option of the purchaser for ten years, the interest being paid annually in advance; third, on failure to pay such interest when due, the contract of sale shall be forfeited, and such land revert to the State, and may be immediately re-sold.

SEC. 2. If two or more persons shall apply at the same time to purchase any of such lands, it shall be the

duty of the said commissioner to sell the same to the highest bidder.

SEC. 3. All sales of lands heretofore made by said commissioner upon the terms and conditions specified in the two preceding sections, be and the same are hereby legalized.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXIII.

An Act to reduce the Fees of the Recorder of Johnson County.

[APPROVED JANUARY 15, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be lawful for the recorder of Johnson county to take or receive higher fees than the following rates, to-wit: For recording deed or mortgage, sixty-two and a half cents; for recording bond, thirty-seven and a half cents; for recording promissory note, twelve and a half cents; for recording all other instruments, per sheet of one hundred words, ten cents; for copies of all records, and for certifying the same, per sheet of one hundred words, ten cents; for recording mortgage to superintendent of loan office, thirty-seven and a half cents.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXIV.

An Act to modify the Thirtieth Section, Chapter Sixteen, of the Revised Statutes.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the board of commissioners in the counties of Johnson, Shelby, Boone, Hendricks, and Parke, whenever they make an order for the opening of any county road, to

cause the same to be opened to such width as the public convenience may require, entering the same on the record of said county: *Provided*, That said road shall not be less than twenty-five feet in width.

Persons aggrieved, may petition to county board, &c. for relief, &c.

SEC. 2. If the owners or occupiers of any land through which any county road heretofore established may pass, shall feel aggrieved in consequence of the width of the same, they may petition the board doing county business, setting forth that fact; which petition shall be signed by at least twelve freeholders of the township or townships through which said road may pass; three of whom, at least shall be of the immediate neighborhood. Upon the presentation of such petition, if the board are of the opinion that the amount of travel on said road and the public convenience do not require it to be of the width as established, they shall have power to make such reduction as to them may seem reasonable, causing such alteration of the width of said road, to be entered on the record book of said county board: *Provided*, That said road shall not be reduced below the width of twenty-five feet.

SEC. 3. All acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CXV.

An Act to restrict the operation of an act, entitled, "An act relative to the appointment of County Commissioners of the several Counties in this State, to act as Boards of Library Trustees in their respective Counties, and for other purposes," approved January 6th, 1845.

[APPROVED DECEMBER 30, 1845.]

Provision of an act not to extend to Vanderburgh, Monroe, and Spencer counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act, entitled, "an act relative to the appointment of county commissioners, of the several counties in this State, to act as boards of library trustees in their respective counties, and for other purposes," approved January sixth, 1845, shall not extend or apply to the counties of Vanderburgh, Monroe, and Spencer; but that the provisions

of said act be, as to their operation in said counties, repealed.

SEC. 2. That the provisions of article three, of chapter twenty-five, of the revised statutes of 1843, be and the same are hereby, (as to the counties of Vanderburgh, Monroe, and Spencer,) revived and declared to be in full force.

Certain provisions to remain in full force.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act to amend Section Twenty-seven, Chapter Seven, Revised Statutes of 1843, in relation to allowances to Sheriffs by County Boards.

[APPROVED JANUARY 20, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said section twenty-seven, chapter seven of the revised statutes of 1843, be so amended that county commissioners shall in no case allow to the sheriff of their county for extra services any sum exceeding one hundred dollars per annum.

SEC. 2. This act to be in force from and after its publication in the Indiana State Sentinel, and Indiana State Journal.

CHAPTER CXVII.

An Act to abolish the office of County Auditor in the County of Johnson.

[APPROVED JANUARY 14, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of county auditor be, and the same is hereby abolished in the county of Johnson.

County auditor's office abolished.

SEC. 2. The duties heretofore required to be performed by the county auditor of the county of Johnson, shall

Auditor's duties performed by clerk,

in all things, be performed and exercised by the clerk of said county, in the same manner, and subject to the same liabilities, and invested with the same powers, that by law now is required of, and bestowed upon, the county auditor.

Additional bond to be given by the clerk.

SEC. 3. It shall be the duty of the above named clerk to give an additional bond, to be approved of by the county board, of the said county, conditioned for his faithful performance, as is required by law. *And, further,* It shall be the duty of said county board to record and file said bond in the office of the county recorder.

Allowance to clerk.

SEC. 4. It shall be the duty of the board doing county business, to allow their clerk any sum, not exceeding two hundred dollars per annum, for the services required of him by the provisions of this act.

A repeal, &c.

SEC. 5. All laws and parts of laws which allow the auditor twelve and a half cents for the transfer of deeds, be and the same is hereby repealed, so far as the county of Johnson is concerned.

SEC. 6. This act to take effect and be in force from and after the second day of March, eighteen hundred and forty-six; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

CHAPTER CXVIII.

An Act authorizing the erection of suitable Buildings for the use of the Indiana Hospital for the Insane.

[APPROVED JANUARY 19, 1846.]

Buildings to be constructed, improvements, &c. made.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioners of the Indiana lunatic asylum are hereby authorized to cause to be erected upon the grounds heretofore purchased for that purpose, suitable buildings for the use and accommodation of said institution, which shall hereafter be called and known by the name of the "Indiana hospital for the insane;" and also, to make such other improvements upon and about said grounds, as they may think expedient and proper.

Power of commissioners.

SEC. 2. Such building shall be constructed in accordance with the general plan therefor, recommended by

said commissioners in their report to the present general assembly: *Provided,* That said commissioners shall have power to make any alterations therein which they may think necessary, and which will not materially increase the cost of said buildings.

SEC. 3. Said board of commissioners are hereby authorized to appoint a superintendent of said hospital, who shall be a well educated physician, and who shall hold said appointment for the term of five years, and until his successor is appointed and qualified, unless sooner removed by act of the general assembly.

Superintendent of hospital appointed.

SEC. 4. Such superintendent shall, by virtue of his office, be the secretary of the board of commissioners, and shall, before entering upon the duties of his office, execute a bond, payable to the State of Indiana, in such sum and with such securities as said board of commissioners may require and approve; which bond shall be filed in the office of the secretary of State, and shall be conditioned for the faithful discharge of all the duties required of him by law.

Shall give bond for the faithful discharge of his duties.

SEC. 5. It shall be the duty of said superintendent, under the direction of the board of commissioners, to superintend the erection of all buildings and the making of all improvements authorized by law, and to make contracts for furnishing materials, and the doing of any part or all the work contemplated by this act, or otherwise prosecute such work in such manner as may be deemed most expedient. He shall also collect such information in relation to similar institutions as he may think proper, and lay the same before the board of commissioners.

Superintendent to assist, &c. collect information, &c.

SEC. 6. Such superintendent shall have the superintendence of the land heretofore purchased for the use of said hospital, lease such portions thereof, and in such parcels as may be deemed expedient, and apply the proceeds thereof toward the payment of the expenses incurred under the provisions of this act, or pay the same into the treasury of State, taking the treasurer's receipt therefor, as the board of commissioners may direct.

Land to be leased, and proceeds how applied.

SEC. 7. Every account for work done, materials furnished, services performed, or expenses incurred in or about said hospital, shall be made out against the Indiana hospital for the insane, and shall contain a particular specification of each item thereof; and when so made out, shall be filed with the superintendent of said hospital, who shall record the same in a book to be kept for that purpose, after which the same shall be laid before the board of commissioners for their allowance. Upon

Accounts, how charged, &c. and how paid.

being satisfied of the correctness of such account, said board shall allow the same, and direct an order to be drawn for the amount thereof upon the treasurer of State, which order shall be signed by the president of the board and countersigned by the secretary, and shall be paid out of the funds set apart for said hospital.

Commissioners
to meet once a
month at least,
and a record to
be kept, &c.

SEC. 8. Said board of commissioners shall hold stated meetings at least once a month, and as much oftener as business shall require, at the office of the superintendent, or such other place as they may appoint. They shall keep a record of their proceedings, and shall report the same to both branches of the general assembly at the commencement of each session, and shall each receive two dollars per day for their services while necessarily employed about the business of said hospital.

Amount appro-
priated for hos-
pital.

SEC. 9. The sum of fifteen thousand dollars is hereby appropriated out of the fund set apart for the lunatic hospital, for the purpose of defraying the expenses incurred under the provisions of this act.

Authorized to
sell certain pro-
perty.

SEC. 10. The board of commissioners aforesaid are hereby authorized to sell and convey all or any part of a certain piece or lot of ground, situate in the town of Indianapolis, known as the "hospital block;" the proceeds of which shall be applied to making the improvements contemplated by this act.

SEC. 11. This act shall take effect and be in force from and after its passage.

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF THE STATE OF INDIANA.

CHAPTER I.

A Joint Resolution relative to the Naturalization Laws.

[APPROVED JANUARY 20, 1846.]

WHEREAS, the subject of amending the naturalization laws of the United States is now agitated in Congress, and propositions are pending to extend the period of probation to twenty-one years, under pretext of securing the purity of the ballot box:

AND, WHEREAS, a law extending the period to fourteen years, was passed at a period of high political excitement, during the administration of the elder Adams, and immediately repealed, through the force of public opinion, at the commencement of the next administration as inexpedient, impolitic, and illiberal:

AND, WHEREAS, it is the policy of the great West to encourage industrious emigrants to settle upon and cultivate its vast and unappropriated tracts of the public domain: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested to aid and advocate the passage of such amendments to the present naturalization laws as may tend to guard the ballot box against fraud and abuse, but to oppose the adoption of any amendment or alteration having in view the extension of the term of probation for naturalization beyond the period of five years as against the genius and liberal spirit of our institutions.

Resolved further, That the governor be instructed to forward a copy of this joint resolution to each of our senators and representatives in Congress.

This joint resolution to be in force from and after its passage.

CHAPTER II.

A Joint Resolution providing for the publication of General Washington's Farewell Address, with the Governor's Message.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That hereafter it shall be the duty of the public printer to publish annually, with the governor's message, the farewell address of General Washington to the people of the United States.

CHAPTER III.

A Joint Resolution legalizing the acts of Henry Stricklen, a Justice of the Peace of Greene County.

[APPROVED DECEMBER 30, 1845.]

WHEREAS, Henry Stricklen, a justice of the peace of Eel river township, Greene county, had by accident, in the fall of 1844, his docket destroyed by fire:

AND, WHEREAS, there were many cases pending on said docket: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the revision and transferring the business of said lost docket on a new one, be and the same is hereby legalized, so far as the same may be done by the said Henry Stricklen, under his seal as justice of the peace.

This joint resolution to be in force from and after its passage, and publication in the Indiana State Sentinel.

CHAPTER IV.

A Joint Resolution instructing our Senators and requesting our Representatives to vote for an appropriation on the Saint Joseph River.

[APPROVED JANUARY 14, 1846.]

WHEREAS, the Saint Joseph river is the only navigable stream entering into the south end of Lake Michigan, upon which a great portion of northern Indiana and southern Michigan have to depend as the only thoroughfare, by which they can export the vast quantities of surplus products of that rich and fertile country:

AND, WHEREAS, a small expenditure of money properly applied, would make said river [of] safe and convenient navigation, and of the greatest importance to the public: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators be instructed and our representatives requested to use their exertions to procure an appropriation for the improvement of said Saint Joseph river.

Be it further resolved, That his excellency the governor be requested to transmit copies of this resolution to our senators and representatives in Congress.

CHAPTER V.

A Joint Resolution upon the subject of Overflowed Public Lands.

[APPROVED DECEMBER 31, 1845.]

WHEREAS, millions of acres of the public domain, lying on the Mississippi and its tributaries, now worthless for the purpose of cultivation, might be reclaimed by throwing up embankments so as to prevent overflow, and thus add immediately to the agricultural resources of this great valley, and likewise to the health of its inhabitants: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed

and our representatives requested to use their best endeavors to procure the passage of proper acts of legislation during the present session of that body, to carry into effect the objects of the preceding preamble, and especially to procure the passage of an act granting all the unsold overflowed lands in the State of Indiana, to said State, for the purpose of reclaiming the same by embankments or otherwise.

Resolved further, That his excellency the governor be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in Congress.

CHAPTER VI.

A Joint Resolution in relation to the claim of Francis Vigo, late a
*citizen of Knox County, Indiana.

[APPROVED DECEMBER 19, 1845.]

WHEREAS, Colonel Francis Vigo, late a citizen of Knox county, Indiana, (deceased,) had a claim against the State of Virginia, for the sum of eight thousand six hundred and sixteen dollars, for advances made to the troops under the command of General George Rogers Clarke, in what was called the "Illinois campaign," undertaken by that State, in seventeen hundred and seventy-eight and seventeen hundred and seventy-nine, which claim has been audited and allowed by the State of Virginia, and is now before the Congress of the United States, on an application for payment:

AND, WHEREAS, we believe that the said claim is just, due, and unpaid, and that the same should long since have been settled by the United States' government: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to procure the passage of a law providing for the payment of said claim, principal and interest.

Resolved, That the governor of this State be requested to transmit this joint resolution to our senators and representatives in Congress, at his earliest convenience.

CHAPTER VII.

A Joint Resolution in relation to the Buffalo and Mississippi Rail Road.

[APPROVED JANUARY 19, 1846.]

WHEREAS, the construction of a rail road from the western bend of Lake Erie or Toledo, across the peninsula, through the northern tier of counties in Indiana, to the southern bend of Lake Michigan, thence around said lake, to the city of Chicago, would be a great national work, affording advantages seldom if ever realized from a corresponding expenditure of money, forming as it would a most important link in the increasing inter-communication between the extended and fertile valley of the Mississippi, the immense agricultural and commercial interest of the western lakes with the eastern cities:

AND, WHEREAS, the completion of said rail road would afford the General Government many facilities in time of war with Great Britain, (which even now seems not improbable,) for the transportation of arms, munitions of war, troops, and every thing necessary for their comfort and convenience, together with speedy and expeditious dispatches so essential to the safety and effective prosecution of the object of organized armies, in a free and independent government like ours:

AND, WHEREAS, the communication between the upper valley of the Mississippi and the commerce of Lake Michigan is entirely suspended during a considerable portion of the year, in consequence of the Straits of Mackinaw being closed with ice:

AND, WHEREAS, the general government of the U. States has, on former occasions, extended a liberal policy by aiding in the prosecution of internal improvements, that are national in their character, by repeated donations of the public domain, contributing thereby the means when properly expended, of advancing the interest of every individual of this vast, growing, and happy republic: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators be instructed and our representatives requested to use all reasonable exertions to procure a donation of a moiety of all the lands owned

by the General Government, situated in the Fort Wayne and Winamac land office districts, in the said State of Indiana, to aid in the construction of the said Buffalo and Mississippi rail road.

And be it further resolved, That his excellency the governor be directed to transmit a copy of this joint resolution to each of our senators and representatives in Congress.

CHAPTER VIII.

A Joint Resolution extending the provisions of a certain act therein named.

[APPROVED JANUARY 13, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That the provisions of an act entitled, "an act defining the mode of electing a secretary of State," approved January first, 1845, except so much thereof as relates to the tenure of office, be and the same are hereby extended and made applicable to the election of the general superintendent of the Wabash and Erie canal, and the superintendent of the State prison.

CHAPTER IX.

A Joint Resolution in relation to the Indiana Historical Society.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That the State librarian cause to be neatly bound, one copy each of the laws, journal, and documentary journals of this State; and also one copy each of the history of Indiana, the geological survey, and reports of the supreme court, and deliver the same to the librarian of said society, to be preserved in the library thereof.

This joint resolution to be in force from and after its passage.

CHAPTER X.

A Joint Resolution of the General Assembly of the State of Indiana in relation to Colonel John Spencer's settlement with the United States, as late Receiver in the Land Office of the United States at Fort Wayne.

[APPROVED JANUARY 17, 1846.]

WHEREAS, it has been represented to this general assembly, that John Spencer, late receiver of public moneys in the land office of the United States at Fort Wayne, in the State of Indiana, left said office at the expiration of his commission, on the thirtieth day of December, 1839: that, in the midst of the opposing political elements, in connection with the rash and merciless fury of the times, the claims of justice that said Spencer had upon his country were not heard, and he was most unjustly prosecuted, condemned, and sacrificed without a hearing. He was prosecuted by the government without delay and without a settlement, and the judgment was collected without mercy or indulgence, until all his estate and effects, (which were the earnings of many years,) were seized on execution and sold at under-values, until he was literally stripped of all he had to pay said judgment. But when the political storm abated, and all was again calm, he again appealed to his country for that justice which had been so long and so cruelly denied: when on a review of said alleged default it appears that the government collected from said Spencer thousands of dollars more than he owed it. That on said Spencer's settlement with her in the winter of 1844-5, she could not consummate said settlement with him for the want of funds; but an elaborate and long advised settlement took place between her and him, by the advice of the cabinet, and upon a vast accumulation of testimony; but that the same could not be closed for the want of funds: For remedy whereof,

Resolved, That our senators in Congress be instructed, and our representatives requested to use their exertions to procure an appropriation from Congress, to pay the amount found due said Spencer, on his settlement with the government, at as early a period of the present session of Congress as convenient.

Resolved, That his excellency the governor be, and is

hereby requested to forward, forthwith, to each of our senators and representatives in Congress, a copy of the foregoing preamble and resolutions.

Which resolutions to be in force from and after their passage.

CHAPTER XI.

A Joint Resolution transferring a certain Book therein named from the State Library, to the Library of the State University.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That the State librarian is hereby authorized to loan to the Indiana university at Bloomington, D. R. Bowditch's translation of the "Mechanique Celeste," by La Place, to be kept by and for the use of said university until called for by said librarian.

And that the State librarian deliver said work upon application for that purpose, from the president of the board of trustees, or the faculty, or either of them of said university.

CHAPTER XII.

A Joint Resolution instructing our Senators, and requesting our Representatives in Congress, to procure the passage of a Law for the relief of Pre-emption Settlers on the Miami Reserve.

[APPROVED DECEMBER 19, 1845.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested to procure the passage of an act of Congress, extending the pre-emption law of the United States to the settlers on the Miami reserve, in this State.

And if the passage of such an act cannot be procured, to endeavor to procure remuneration to the settlers for their improvements, by a law similar in its provisions to the laws of the State of Indiana on that subject.

And his excellency, the governor of this State, be requested to furnish our senators and representatives in Congress with a copy of this resolution.

CHAPTER XIII.

A Joint Resolution relating to the Signers of the Declaration of our Independence.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives be requested to use their exertions to procure the passage of a law authorizing the placing in Independence Hall, in the city hall of Philadelphia, a statue of each of the signers of the declaration of our independence; the same to be sculptured from American marble and by American citizens; and that the said statues be placed as near as can be in the posture and costume they occupied on the fourth day of July, 1776.

Resolved, That the governor be requested to send a copy of this joint resolution to each of our senators and representatives in Congress.

CHAPTER XIV.

A Joint Resolution upon the subject of improving the Western Rivers.

[APPROVED DECEMBER 16, 1845.]

Be it resolved by the General Assembly of the State of Indiana, That the communication between the gulf of Mexico and the interior, afforded by the navigation of the Mississippi and Ohio rivers, and their principal tributaries, is indispensable to the defence of the country in time of war, and essential also to its commerce.

Resolved further, That the improvement and preservation of these great rivers are objects as strictly national, as any other preparation for the defence of the country;

and that such improvements are deemed impracticable by State or individual enterprize, and call for appropriations of money by the general government.

Resolved further, That the Wabash is one of the principal tributaries of the Ohio river, and by far the most national in its character, and important in a military point of view, as it is the most prominent feature in one of the great national thoroughfares between the lakes and the waters of the Mississippi; and as some two hundred and fifty miles of its course is the boundary of two States, besides being of immense commercial importance to the citizens of many States in the Union, as well as those inhabiting its borders.

Resolved further, That our senators in Congress be instructed and our representatives requested to use their best endeavors, with every proper effort, to carry into effect the preceding resolutions; and especially to obtain an appropriation during the present session of that body, of public land or money, for the purpose of improving the navigation of the Wabash.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolutions to each of our senators and representatives in Congress.

CHAPTER XV.

A Joint Resolution on the subject of Liens upon Real Estate.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their exertions to procure the passage of a law, declaring that no judgment or decree of the circuit or district court of the State of Indiana, rendered after the taking effect of said law, shall operate as a lien on real estate in any county of this State, except the county of Marion, until a certified transcript of said judgment or decree shall be filed and recorded in the clerk's office of the circuit court of the county in which said real estate shall lie.

That his excellency the governor be requested to forward a copy of this joint resolution to each of our senators and representatives in Congress.

CHAPTER XVI.

A Joint Resolution for the continuation and completion of the Cumberland Road.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested to use all honorable means to procure an appropriation of money by the general government, for the continuation and completion of the Cumberland road through the State of Indiana.

That the governor be requested to transmit a copy of this joint resolution to each of our senators and representatives in Congress.

CHAPTER XVII.

A Joint Resolution on the subject of Vacant Lands in the State of Indiana.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested to use their best exertions to procure the passage of a law, granting to the State of Indiana, all the unappropriated lands in this State; the proceeds of which shall be applied to common school education.

That his excellency the governor be requested to transmit a copy of this joint resolution to each of our senators and representatives in Congress.

CHAPTER XVIII.

A Joint Resolution on the subject of School Sections.

[APPROVED JANUARY 15, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed,

and our representatives requested to use their exertions to procure the passage of a law at the present Congress, that where the sixteenth section in any congressional township is so worthless that the same cannot be sold for one dollar and twenty-five cents per acre, that the trustees of any or all such townships may select one section of land in lieu thereof, in any township out of any of the public lands not otherwise appropriated.

Be it further resolved, That his excellency the governor transmit to each of our senators and representatives in Congress, a copy of this joint resolution.

This resolution to take effect and be in force from and after its passage.

CHAPTER XIX.

A Joint Resolution in relation to the election of Superintendent of the New Albany and Vincennes Road.

[APPROVED DECEMBER 29, 1845.]

Be it resolved by the General Assembly of the State of Indiana, That the superintendent of the New Albany and Vincennes road shall hereafter be elected by the joint ballot of the two houses of the general assembly: who, when elected, shall hold his office for the term of two years, from and after the expiration of the term of service of the present superintendent, under the provisions of the law now in force; or of any law of the legislature, which may hereafter be passed during said term of two years, relative to said office.

This resolution to take effect and be in force from and after its passage.

CHAPTER XX.

A Joint Resolution on the subject of the Michigan City Harbor.

[APPROVED DECEMBER 19, 1845.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested to use every reasona-

ble exertion to procure an appropriation, during the present session of Congress, for the further prosecution and completion of the harbor at Michigan city, in the State of Indiana.

Be it further resolved, That his excellency the governor be requested to transmit copies of this joint resolution to each of our senators and representatives in Congress.

CHAPTER XXI.

A Joint Resolution establishing the per diem allowance of the Probate Judges of Tippecanoe and Greene Counties.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That the probate judges of Tippecanoe and Greene counties shall, from and after the first Monday in August next, in addition to the compensation then allowed by law, have and receive one dollar per day for each and every day they shall serve in court as such; to be paid out of the county treasury of said counties, on the certificate of the clerk of the probate court.

This joint resolution to be in force from and after its passage.

CHAPTER XXII.

A Joint Resolution for the reduction of the price of Public Lands to actual settlers.

[APPROVED JANUARY 19, 1846.]

WHEREAS, it is the opinion of this general assembly of the State of Indiana, that there is no measure that could be consummated that would ensure a greater quantity of good to a greater number of people than to place within the reach of every citizen of the United States, a home: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives be requested to endeavor to proceed [procure] the passage of a law by Congress, to grant to each and every citizen of the United States settling *bona fide* on any public lands of the United States, a pre-emption to the same for three years: at the expiration of said time, to purchase one quarter section of said lands, so resided on, at fifty cents per acre: and,

Be it further resolved, That his excellency the governor be directed to transmit a copy of the foregoing resolution to each of our delegates in Congress, immediately after its passage.

CHAPTER XXIII.

A Joint Resolution on the subject of the Oregon Boundary.

[APPROVED JANUARY 20, 1846.]

WHEREAS, the liberal propositions repeatedly made by the government of the United States, to settle the Oregon boundary question have manifested an earnest desire on their part to preserve peace and avoid war: **AND, WHEREAS**, President Polk, actuated by the same motives of liberality, has renewed the proposition to grant the British government all of said territory north of the forty-ninth degree of north latitude, which has again been rejected by the British minister at Washington, thereby clearly showing a determination on the part of the British government not to negotiate or compromise upon terms, that would be just and honorable to the people of the United States: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That we heartily respond to the sentiments contained in the late message of the chief magistrate of this nation, in relation to the territory of Oregon, and the American citizens therein, and that his prompt withdrawal of all propositions further to negotiate under the circumstances, merits the approbation of the people of this State.

And it is further resolved, That in the opinion of this general assembly, the United States have the *best right* to the *whole* of Oregon.

And it is further resolved, That our senators are therefore instructed, and our representatives in Congress requested to oppose any compromise whereby we shall lose a single foot of American territory.

And be it further resolved, That the secretary of State be, and he is hereby directed to forward a copy of this joint resolution to our senators and representatives in Congress.

CHAPTER XXIV.

A Joint Resolution in relation to a State Road from Saint Mary's River, on the State line to the Wabash and Erie Canal.

[APPROVED JANUARY 19, 1846.]

WHEREAS, the legislature of the State of Ohio did, on the third day of February, 1845, appoint commissioners to view and lay out a State road from the Saint Mary's river, on the State line between the States of Ohio and Indiana, north to the Wabash and Erie canal:

AND, WHEREAS, the commissioners were not to act in the premises without the co-operation of the State of Indiana: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That Jacob Roop of Adams, and George Ashley of Allen counties be, and they are hereby appointed commissioners on the part of the State of Indiana, to act in conjunction with the commissioners appointed on the part of the State of Ohio to view and lay out said road.

The commissioners hereby appointed, shall make such arrangement to meet and lay out said road as a majority of all the commissioners shall agree upon.

The county of Allen and Adams shall each bear an equal part of the one half of the expense of laying out said road.

Said road, when laid out and established, shall be opened and kept in repair as other roads are opened and repaired in said county. The counties of Adams and Allen shall each bear their proportion, jointly, with the State of Ohio.

CHAPTER XXV.

A Joint Resolution in relation to the improvement of the Ohio River.

[APPROVED JANUARY 6, 1846.]

WHEREAS, the rapidly increasing population and commerce of the western States bordering on the Ohio and Mississippi rivers, imperiously demands an improvement in the navigation of the Ohio river at the falls, on the Indiana side, so as more effectually to secure a safe and speedy transportation of the surplus products of the country:

AND, WHEREAS, the improvement of the navigation of the western rivers is of vital importance, not only to the citizens of the west, but in a national point of view; and especially do the citizens of Indiana feel a deep interest in the improvement of the Ohio river at the falls; and in view of the great importance of such an improvement, Indiana would willingly lend any aid within her power to accomplish an object so desirable: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested to use every reasonable exertion to procure an appropriation for the construction of a canal around the falls of the river Ohio, on the Indiana side.

Be it further resolved, That his excellency the governor be directed to transmit a copy of this joint resolution to each of our senators and representatives in Congress.

CHAPTER XXVI.

A Joint Resolution on the subject of the Reservoir in Mercer County, Ohio.

[APPROVED JANUARY 15, 1846.]

WHEREAS, the State of Ohio has, by her system of internal improvement, taken Beaver, and some other of the permanent and lasting streams of the upper Wabash, in the great reservoir for the purposes of feeding the

canals, thereby diverting the water from its natural course, and turning the waters which ought to be left to seek their course to the gulf of Mexico into the St. Lawrence:

AND, WHEREAS, the said diversion of the said waters has greatly injured the navigation, and almost entirely destroyed the mill privileges on said rivers, to the great inconvenience and direct injury of the citizens of that fertile valley:

AND, WHEREAS, it is a principle of law universally admitted, that no person has a right to divert a stream from its natural course to the injury of others:

AND, WHEREAS, this legislature believes that the same principle of even handed justice which applies to individuals, should also govern States: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That his excellency the governor of the State of Indiana, be requested to institute an inquiry of the governor of Ohio, whether the State of Ohio would join in the incorporation of a company to make a canal from the reservoir, in Mercer county, Ohio, to intersect the Wabash and Erie canal at Huntington, in Huntington county, Indiana; and what probability there would be of a sufficiency of water to support said canal.

CHAPTER XXV.

A Joint resolution on the subject of the Public Lands.

[APPROVED JANUARY 19, 1846.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives be requested, to use their exertions to procure the passage of a law for the gradual reduction of the price of the public lands of the United States, according to the length of time they have been in market.

Be it further resolved, That the governor be requested to forward a copy of this joint resolution to each of our senators and representatives in Congress, immediately after its passage.

OFFICE OF SECRETARY OF STATE,
Indianapolis, March 10, 1846. }

INDIANA, TO-WIT:

I do certify that I have compared the foregoing printed Acts and Joint Resolutions with the original rolls on file in my office, and find them correct, with the exception of the words included [thus], inserted to aid the sense, or to supply omissions in enrolling.

JOHN H. THOMPSON,
Secretary of State.

EXTRACT

FROM THE

REPORT OF THE AUDITOR OF STATE,

Showing the Receipts and Expenditures of the State, "for the fiscal year commencing November 1st, 1844, and ending October 31st, 1845, both days inclusive."

AUDITOR OF STATE'S OFFICE,
Indianapolis, Indiana, November 4, 1845. }

To the General Assembly:

The twenty-fourth section of chapter six, revised statutes of 1843, makes it the duty of the Auditor of State "to report and exhibit to the general assembly, at its annual meeting, a complete statement of the revenues, taxables, funds, resources, incomes, and property of the State, known to his office, and of the public revenues and expenditures of the preceding fiscal year, with a detailed estimate of the expenditures to be defrayed from the treasury for the ensuing year, specifying therein each object of expenditure, and distinguishing between each object of expenditure and between such as are provided for by permanent or temporary appropriations, and such as require to be provided for by law; and showing, also, the sources and means from which all such expenditures are to be defrayed, and the probable deficiencies of the same."

In compliance with the provisions of this section, the undersigned has the honor to submit the following, as the report of his office for the fiscal year, commencing November 1st, 1844, and ending October 31st, 1845, both days included. Accompanying the different exhibits and tabular statements, will be found such remarks and explanations as have been deemed necessary to present the various

matters embraced in this report, fully and clearly to the attention of the general assembly.

RECEIPTS AT THE TREASURY.

At the close of the last fiscal year there was remaining in the treasury, provided all warrants up to that date had been paid, the sum of - - - - - \$371,746 44

Since that date, the following amounts have been received:

On account of revenue of 1845, the sum of	- - -	\$226 93
On account of revenue of 1844, the sum of	- - -	245,355 87
On account of revenue of 1843, the sum of	- - -	23,459 24
On account of revenue of 1842, the sum of	- - -	1,979 12
On account of revenue of 1841, the sum of	- - -	702 22
On account of revenue of 1840, the sum of	- - -	55 66
On account of revenue of 1839, the sum of	- - -	184 65
On account of 5 per cent. damages collected by treasurers,	- - - - -	16 09
On account of sales of saline lands (principal and interest),	- - - - -	2,916 42
On account of interest on loans of saline fund,	- - -	2,014 96
On account of loans of saline fund refunded,	- - -	1,112 00
On account of damages on sales of lands mortgaged to saline fund,	- - - - -	66 86
On account of loans of university fund refunded,	- - -	4,295 64
On account of interest on loans of university fund,	- - -	3,947 27
On account of sales of lands of the university fund, (principal),	- - - - -	1,973 69
On account of sales of lands of the university fund, (interest),	- - - - -	973 72
On account of damages on sales of lands mortgaged to the university fund,	- - - - -	209 40
On account of loans of bank tax fund refunded,	- - -	568 38
On account of interest on loans of bank tax fund,	- - -	773 26
On account of interest on loans of surplus revenue fund,	- - - - -	272 58
On account of loans of surplus revenue fund refunded,	- - -	55 00
On account of damages on sales of lands mortgaged to the surplus revenue fund,	- - - - -	20 88
On account of costs of advertising sales of lands mortgaged to saline fund,	- - - - -	31 50
On account of costs of advertising sales of lands mortgaged to university fund,	- - - - -	75 75
On account of costs of advertising sales of lands mortgaged to bank tax fund,	- - - - -	8 00

On account of costs of advertising sales of lands mortgaged to surplus revenue fund,	- - - - -	\$ 6 00
On account of estates without known heirs,	- - -	237 33
On account of loans of treasury fund refunded,	- - -	147 52
On account of interest on loans of treasury fund,	- - -	56 62
On account of loans of congressional township fund refunded,	- - - - -	8 27
On account of interest on loans of congressional township fund,	- - - - -	65 25
On account of principal of sales of Wabash and Erie canal lands, east of Tippecanoe,	- - - - -	106,794 66
On account of interest on sales of Wabash and Erie canal lands east of Tippecanoe,	- - - - -	32,601 85
On account of miscellaneous receipts, Wabash and Erie canal east of Tippecanoe,	- - - - -	117 76
On account of scrip issued for Wabash and Erie canal east of Tippecanoe,	- - - - -	100,000 00
On account of tolls on Wabash and Erie canal east of Tippecanoe,	- - - - -	70,639 78
On account of water rents on Wabash and Erie canal east of Tippecanoe,	- - - - -	8,122 81
On account of penalties for violation of canal law, (Wabash and Erie canal),	- - - - -	40 00
On account of incidental expenses of Wabash and Erie canal west of Tippecanoe refunded,	- - - - -	303 00
On account of sales of Wabash and Erie canal lands west of Tippecanoe,	- - - - -	181,612 11
On account of scrip issued for Wabash and Erie canal west of Tippecanoe,	- - - - -	100,000 00
On account of water rents on northern division of Central canal,	- - - - -	1,232 41
On account of Dillon's History of Indiana,	- - -	44 00
On account of common school fund derived from bank (being 5 per cent. scrip paid in by the commissioners of the sinking fund),	- - - - -	86,819 31
On account of Lawrenceburgh and Indianapolis rail road company,	- - - - -	55,129 11
On account of fees of secretary of State,	- - -	53 25
On account of suspended debt,	- - -	8,579 26
On account of compromise property,	- - -	14,769 00
On account of tolls on New Albany and Vincennes road,	- - -	5,564 51
On account of Morris canal and Banking company,	- - -	68,174 86

Total receipts from November 1st, 1844, to October 31st, 1845, both days included,	- - - - -	1,132,413 76
Add balance on hand November 1st, 1844,	- - - - -	371,746 44
Total,	- - - - -	<u>\$1,504,160 20</u>

EXPENDITURES.

Amount audited on account of probate judges, - -	\$5,398 00
Amount audited on account of damages on sales of lands mortgaged to saline fund, - - -	66 86
Amount audited on account of loans of university funds, - - - - -	6,220 00
Amount audited on account of interest on loans of university fund refunded, - - - - -	21 53
Amount audited on account of damages on sales of lands mortgaged to the university fund, - -	165 29
Amount audited on account of saline fund distributed, - - -	3,744 37
Amount audited on account of loans of bank tax fund, - - -	800 00
Amount audited on account of bank tax fund distributed, - - - - -	1,006 31
Amount audited on account of surplus revenue fund distributed, - - - - -	560 16
Amount audited on account of damages on sales of lands mortgaged to surplus revenue fund, - -	20 88
Amount audited on account of conveying convicts to State prison, - - - - -	2,195 19
Amount audited on account of three per cent. fund, - - -	4,441 76
Amount audited on account of salaries of judges of supreme and circuit courts, - - - - -	14,615 31
Amount audited on account of State house, - - -	3,649 75
Amount audited on account of specific appropriations, - - -	4,619 86
Amount audited on account of public printing, - - -	4,209 54
Amount audited on account of prosecuting attorneys, - - -	1,860 93
Amount audited on account of legislature, - - -	24,998 27
Amount audited on account of State library, - - -	472 57
Amount audited on account of salaries of president and professors of State university, - - -	4,000 00
Amount audited on account of militia, (salaries of adjutant and quarter-master generals), - - -	200 00
Amount audited on account of stationery and fuel, - - -	2,156 71
Amount audited on account of salaries of executive officers, - - - - -	4,300 00
Amount audited on account of revenue of 1841, refunded, - - - - -	36 00
Amount audited on account of revenue of 1843, refunded, - - - - -	20 38
Amount audited on account of expenses of university fund, - - - - -	16 50
Amount audited on account of estates without known heirs, - - - - -	168 40
Amount audited on account of congressional township fund distributed, - - - - -	127 73

Amount audited on account of new State prison, - -	\$9,100 00
Amount audited on account of construction of Wabash and Erie canal east of Tippecanoe, - - -	18,951 42
Amount audited on account of repairs of Wabash and Erie canal east of Tippecanoe, - - - - -	93,984 36
Amount audited on account of incidental expenses of Wabash and Erie canal east of Tippecanoe, - -	5,633 07
Amount audited on account of damages on Wabash and Erie canal east of Tippecanoe, - - -	810 95
Amount audited on account of purchase of land for use of water power, Wabash and Erie canal east of Tippecanoe, - - - - -	350 00
Amount audited on account of construction of Wabash and Erie canal west of Tippecanoe, - - -	145,497 97
Amount audited on account of repairs on Wabash and Erie canal west of Tippecanoe, - - - - -	11,223 43
Amount audited on account of incidental expenses of Wabash and Erie canal west of Tippecanoe, - -	7,744 76
Amount audited on account of sales of Wabash and Erie canal lands west of Tippecanoe, refunded, -	62 42
Amount audited on account of Wabash and Erie canal scrip west of Tippecanoe redeemed and cancelled, -	91,840 00
Amount audited on account of construction of northern division of Central canal, - - - - -	657 82
Amount audited on account of repairs on northern division of Central canal, - - - - -	1,858 14
Amount audited on account of purchase of land for use of water power, northern division of Central canal, -	1,052 00
Amount audited on account of payments by State agent, under joint resolutions, - - - - -	4,628 10
Amount audited on account of incidental expenses of State bonds, - - - - -	250 00
Amount audited on account of contingent fund, - - -	1,232 70
Amount audited on account of presidential electors, - -	567 03
Amount audited on account of five per cent. treasury notes redeemed and cancelled, - - - - -	72,405 00
Amount audited on account of interest on five per cent. treasury notes redeemed and cancelled, - - -	4,673 51
Amount audited on account of construction of Madison and Indianapolis railroad, - - - - -	45 00
Amount audited on account of incidental expenses of Erie and Michigan canal, - - - - -	19 33
Amount audited on account of construction of cross-cut canal, - - - - -	175 00
Amount audited on account of six per cent. treasury notes redeemed and cancelled, - - - - -	114,540 00
Amount audited on account of interest on six per cent. treasury notes redeemed and cancelled, - - -	22,659 90

Amount audited on account of compromise property,	\$739 34
Amount audited on account of interest on State bonds,	1,650 00
Amount audited on account of incidental expenses of State agent, - - - - -	8,129 43
Amount audited on account of construction of New Albany and Vincennes road, - - - - -	820 78
Amount audited on account of repairs on New Albany and Vincennes road, - - - - -	3,218 76
Amount audited on account of incidental expenses of New Albany and Vincennes road, - - - - -	1,535 75
Amount audited on account of Morris canal and Banking company, - - - - -	7,674 65
Amount audited on account of State bonds redeemed and cancelled, - - - - -	12,000 00
Amount audited on account of revenue of 1841, lost by fire, - - - - -	5,610 58
Amount audited on account of distribution of laws and journals, - - - - -	559 60
Amount audited on account of deaf and dumb asylum,	2,797 87
Amount audited on account of wolf scalps, - - - - -	2 00
Amount audited on account of incidental expenses of Jeffersonville and Crawfordsville road, - - - - -	3 00
Amount audited on account of governor's house, - - - - -	86 83

Total amount audited from November 1st, 1844, to October 31st, 1845, - - - - - \$744,982 80

To receipts as above, - - - - - \$1,504,160 20
Total expenditures as above, - - - - - 744,982 80

Balance in the treasury on the first day of November, 1845, provided all warrants issued prior to that date had then been paid, - - - - - \$759,177 40

It appears from an examination of the treasurer's books, that there are now outstanding warrants to the following amounts:

Regular treasury warrants, - - - - - 747 49
Internal improvement warrants, - - - - - 10,203 51

True amount in the treasury at the close of the fiscal year ending October 31st, 1845, - - - - - \$770,128 40

In reference to this balance—which standing unexplained would indicate a high degree of financial prosperity—the remark made in the last annual report from this office may here be repeated: It consists almost wholly of a currency which cannot be made available

in defraying the ordinary expenses of the government, and possessing no value except as it evidences a gratifying reduction of our public debt. The anticipation indulged at the date of that report, that a sufficient amount of current funds would be paid in, on account of revenue collected in 1844, to meet the demands upon the treasury, during the year just closed, has been nearly realized. Up to this date, all claims which have been presented and audited have been liquidated without inconvenience to the public creditors; and it is presumed that but little embarrassment will be encountered in providing for the payment of such as may fall due from this time until the present year's revenue shall be paid in. The balance now in the treasury, it is true, is not available to any considerable extent; but as the revenue of 1845 is now in process of collection, the holders of warrants hereafter to be issued can readily convert them into cash, by presenting them for payment to the county treasurers. This course has been pursued by a large portion of our creditors, for the last two years—with what success the small amount of warrants outstanding will show. It cannot be less efficient for the future.

Our treasury note circulation having been so largely reduced, and the notes being now at a high premium, in consequence of the accumulated interest, the opinion may be expressed with the *utmost confidence*, that the amount of current funds, which will be collected and paid in, on account of the present year's collections, will be more than sufficient to free the treasury from the difficulties under which it has labored for the last three years. And having once got rid of these embarrassments, it may safely be relied upon, that economy in our expenditures and prompt collections of revenue, will preclude all necessity of again resorting to that short sighted policy, which, for the sake of *present* relief, postpones the evil that is sure to come with increased aggravation at last.

The *ordinary* expenditures of the State Government for the fiscal year ending October 31st, 1845, have been as follows, to-wit:

Legislature, - - - - -	\$24,998 27
Judiciary (Supreme and Circuit Judges, and Sheriff of Supreme Court), - - - - -	14,615 31
Probate Judges, - - - - -	5,398 00
Prosecuting Attorneys, - - - - -	1,860 93
Specific Appropriations, - - - - -	4,619 86
Public Printing and Binding Laws, - - - - -	4,209 54
State Library, - - - - -	472 57
State House, - - - - -	3,649 75
Militia (Salaries of Adjutant and Quarter-Master Generals), - - - - -	200 00
Governor's House, - - - - -	86 83
Contingent Fund, - - - - -	1,232 70
Presidential Electors, - - - - -	567 03

Stationery and Fuel,	-	-	-	-	2,156 71
State Prison,	-	-	-	-	2,195 19
Distribution of Laws and Journals,	-	-	-	-	559 60
Executive Officers,	-	-	-	-	4,300 00
Total,	-	-	-	-	<u>\$71,122 29</u>

The expenditures on the same accounts (with the exception of Presidential Electors), for the year 1844, was \$93,368 73—thus showing a reduction for the year 1845 of \$22,246 44—an amount large enough certainly to satisfy the strongest desire for retrenchment and economy. The accounts which have undergone the largest reduction are those for public printing and for stationery and fuel—the former having been reduced \$11,624 59, and the latter \$10,802 41, making an aggregate of \$22,427 03, only \$3,000 less than the entire expenses of the Legislature at one session. The judiciary account has been reduced over \$3,000, and the expenditure for specific purposes above \$2,500. The probate account is some \$1,300 larger than last year, and considerably more than was anticipated when the estimate was made, in the last annual report from this office, of the probable amount of ordinary expenditures for 1845; this has occurred principally in consequence of many claims of long standing having been presented and liquidated; in the absence of these, the estimate would probably not have been exceeded. It is to be regretted that the expenditures for conveying convicts to the State Prison have, also, exceeded the amount estimated and appropriated.

The amounts necessary to meet the *ordinary* expenditures for the year 1846 *alone*, may be estimated as follows, to-wit:

Legislature,	-	-	-	-	\$25,000 00
Judiciary,	-	-	-	-	15,000 00
Executive Officers,	-	-	-	-	4,300 00
Public Printing and Binding Laws,	-	-	-	-	6,000 00
Probate Judges,	-	-	-	-	4,000 00
Specific Appropriations,	-	-	-	-	4,000 00
Stationery and Fuel,	-	-	-	-	2,000 00
State Prison,	-	-	-	-	2,000 00
Contingent Fund,	-	-	-	-	1,000 00
Prosecuting Attorneys,	-	-	-	-	1,850 00
Distributing Laws and Journals,	-	-	-	-	600 00
State Library (including Librarian's salary),	-	-	-	-	500 00
Adjutant and Quarter-Master Generals,	-	-	-	-	200 00
State House,	-	-	-	-	500 00
Governor's House,	-	-	-	-	150 00
Total,	-	-	-	-	<u>\$67,100 00</u>

These estimates, it will be seen, contemplate a reduction of four thousand dollars, as compared with the expenditures of 1845, largely as *they* were reduced from those of previous years. The State House having undergone thorough repair during the last year, the expenditure on that account, for some years yet, will probably not exceed the amount above estimated, and which is designed merely to cover the necessary outlay in improving the grounds and preparing the house for the reception of the Legislature. It would probably tend to economy, as it would certainly prevent embarrassment at the treasury, should the appropriation be placed under the control of the State Librarian, and *his* certificates be made proper vouchers for the necessary warrants.

UNEXPENDED BALANCES.

Legislature,	-	-	-	-	\$1,220 44
Public Printing,	-	-	-	-	10,365 81
State Prison (conveying convicts),	-	-	-	-	623 52
Specific appropriations,	-	-	-	-	4,724 39
State House,	-	-	-	-	302 36
New State Prison,	-	-	-	-	2,400 00
Contingent Fund,	-	-	-	-	10 60
Governor's House,	-	-	-	-	113 63
Militia (Adjutant and Quarter-Master Generals),	-	-	-	-	24 48
Total,	-	-	-	-	<u>\$19,785 23</u>

APPROPRIATIONS OVERDRAWN.

Judiciary,	-	-	-	-	\$14,141 51
Probate Judges,	-	-	-	-	2,781 00
State Library,	-	-	-	-	115 27
Stationery and Fuel,	-	-	-	-	7,517 24
Executive Officers,	-	-	-	-	501 85
Prosecuting Attorneys,	-	-	-	-	341 79
Total,	-	-	-	-	<u>\$25,398 66</u>

The appropriations overdrawn are about the same as they were last year, with the exception of the probate account, which, for the reasons above specified, has been considerably augmented. As all these objects of expenditure, however, are provided for by *permanent* appropriations, under the first Article of Chapter XII., Revised Statutes of 1843, it is supposed that the excess involves no violation of law.

UNIVERSITY FUND.

In the last annual report from this office, the Legislature was furnished with statements showing the sales of the lands belonging to this fund, the amount paid into the State Treasury, and the amount outstanding in the hands of the respective commissioners, or due from the purchasers. Those statements were made after a careful examination of the books of the fund belonging to this office, and are presumed to be correct. As I have no new information to communicate in reference to these subjects, I would refer to that report for any information, in reference to them, which may be desired.

The receipts and disbursements on account of this fund, during the fiscal year ending October 31st, 1845, have been as follows, to-wit:

RECEIPTS.

Balance on hand November 1st, 1844,	-	-	\$106 78
Loans refunded,	-	-	4,295 64
Interest received on loans,	-	-	3,947 27
Sales of lands (principal),	-	-	1,973 69
Interest on sales of lands,	-	-	973 72
Damages on sales of lands mortgaged to fund,	-	-	209 40
Costs of advertising refunded,	-	-	75 75
Total,	-	-	<u>\$11,582 25</u>

EXPENDITURES.

Loans made,	-	-	-	\$6,220 00
Professors' Salaries,	-	-	-	4,000 00
Damages on sales of lands mortgaged to fund,	-	-	-	165 29
Interest refunded (under act for relief of W. G. Pomeroy),	-	-	-	21 53
Expenses of fund (Records),	-	-	-	16 50
Balance on hand Nov. 1st, 1845,	-	-	-	1,158 93
Total,	-	-	-	<u>\$11,582 25</u>

Since the close of the present fiscal year, requisitions of the President of the Board of Trustees, to the amount of \$750 for Professors' salaries, have been received, which, when audited, would leave a balance in the treasury of \$408 93.

In my last report, I communicated the fact that an error of \$500 *against* the fund in 1833, had been detected; \$150 of the amount have been paid in, and the balance, it is believed, will be received without much further delay. The late Treasurer of State has also

arranged the mistake in his favor of \$175 05; the balances due in consequence of *other* errors have not yet been paid, but it is presumed that nothing will be lost.

The following statement will show, the loans made of this fund, the amount refunded, and the amount outstanding on loan, at the close of each year, from 1828 to 1845, inclusive:

Year.	Loans Made.	Loans Refunded.	Amount Outstanding.
1828	\$16,790 00	\$16,790 00
1829	7,070 00	\$746 84	23,113 16
1830	5,928 00	1,690 16	17,351 00
1831	5,003 00	2,761 00	29,593 00
1832	7,177 50	2,660 00	34,110 50
1833	8,675 50	10,807 38	31,978 62
1834	8,772 25	6,076 25	34,674 62
1835	10,205 00	9,384 37	35,495 25
1836	16,379 84	7,666 55	44,208 54
1837	10,243 50	8,826 12	45,625 92
1838	14,256 00	5,547 00	54,334 92
1839	11,197 50	7,454 50	58,077 92
1840	2,335 00	2,190 00	58,222 92
1841	1,716 32	4,430 04	55,509 20
1842	4,611 48	2,185 00	57,935 68
1843	7,376 53	6,822 39	58,489 82
1844	1,513 06	2,158 13	57,844 75
1845	6,220 00	4,294 64	59,770 11
Totals	\$145,470 48	\$85,700 37	\$59,770 11

The amount outstanding at the close of the present fiscal year is thus shown to be \$59,770 11, which, at an interest of seven per centum, would yield, in the absence of defalcations, the sum of \$4,183 90 per annum, an amount about equal to the annual drafts on the treasury, on account of salaries of the President and Professors of the University. To this sum must be added, as a fund for paying the expenses of the institution, the receipts on account of interest on sales of lands in Gibson and Monroe, which amounted in 1844 to \$621 38, and in 1845 to \$973 72. The receipts on account of loans made at the treasury, and from principal and interest on sales of lands, are the only ones known at this office.

The important interests, which the public have at stake, in the permanent establishment and success of the State University, make it necessary that I should call the attention of the Legislature to the fact, that a considerable portion of the loans are, at present, wholly unproductive. Unless some efficient remedy should be interposed,

it is to be feared that, in a few years more, the losses to the fund must be so great as to prevent a full and regular payment of the expenses of the institution. It appears from the books of this office that, prior to the close of the present fiscal year, lands mortgaged to the amount of \$5,560 had been forfeited and bid in by the State; and this sum will probably be increased some \$2,000 by the forfeitures which took place at the sale on the first day of the present month—thus reducing, in effect, the amount on loan to \$52,000, and making the interest account some \$500 less per annum. Many of these forfeited lands were mortgaged at their estimated value in 1835-'6 and '7, and are now far from being a sufficient security for the amounts loaned. Some of them have been repeatedly offered for sale without success, and there is but little prospect that any considerable portion of them can ever be disposed of for the full amount due—an amount increasing every year by the accruing interest and necessary costs. Under these circumstances, I would respectfully recommend that the Legislature make some provision for the revaluation of all lands forfeited to the various trust funds under the control of this office, and authorize the sale of them, either publicly or privately, for the amount of such re-appraisement. The act of January 13, 1845, (Chapter XXVIII.) was intended, in part, to remedy a similar evil in the Sinking Fund; and I would suggest that the provisions of the sixth, thirteenth, and fifteenth sections of that act be extended to the trust funds, of which this office has the charge; the latter section is particularly important, as under existing laws the promissory notes taken from mortgagors afford no additional security for the payment of the sums borrowed.

SALINE FUND.

The receipts and disbursements, on account of this fund, for the fiscal year ending October 31st, 1845, have been as follows, to-wit:

RECEIPTS.

Balance on hand November 1st, 1844,	-	-	\$5,175 53
Sales of lands (principal and interest),	-	-	2,916 42
Interest on loans,	-	-	2,014 96
Loans refunded,	-	-	1,112 00
Damages on sales of lands mortgaged to fund,	-	-	66 86
Costs of advertising refunded,	-	-	31 50
Total,	-	-	<u>\$11,317 27</u>

EXPENDITURES.

Amount distributed under act of January 13, 1845,	-	\$3,744 37
Damages on sales of lands mortgaged to fund,	-	66 86
Balance on hand November 1st, 1845,	-	7,506 04
Total,	-	<u>\$11,317 27</u>

The error committed *against* this fund, as mentioned in the last annual report of this office, has been corrected by the payment of the amount (\$250) into the treasury. There was on hand, on the 1st day of March last—the period fixed for distributing this fund under the act of January 13, 1845—the sum of \$6,499 07; deducting from this amount the sum distributed as above, there would still remain in the treasury, to be paid over to the respective counties under that apportionment, the sum of \$2,754 70.

At the close of the last fiscal year the amount of this fund outstanding on loans was \$63,886 42; during the last fiscal year no loans have been made. The amount outstanding on the 1st day of November, 1845, was \$32,774 42.

BANK TAX FUND.

The receipts and disbursements on account of this fund, for the fiscal year ending October 31st, 1845, have been as follows, to-wit:

RECEIPTS.

Balance on hand November 1st, 1844,	-	-	\$1,856 13
Loans refunded,	-	-	568 38
Interest on loans,	-	-	773 26
Costs of advertising refunded,	-	-	8 00
Total,	-	-	<u>\$3,205 77</u>

EXPENDITURES.

Amount distributed under act of January 13, 1845,	-	\$1,063 31
Loans made,	-	800 00
Balance on hand November 1st, 1845,	-	1,342 46
Total,	-	<u>\$3,205 77</u>

The amount on hand, when the distribution was made on the 1st of March last, was \$1,748 19, and there is now in the treasury, to be paid over under that apportionment, the sum of \$684 88.

It appears from a communication of the Cashier of the State Bank, that there has accumulated in the Bank, under the 15th section of its charter, the further sum of \$18,048 90, which will probably be increased some \$3,000 by the first of March next, at which time a new distribution of the fund among the several counties will be made. The authorities of the Bank have expressed their readiness to pay into the treasury the amount due the State, but in the absence of any law authorizing its reception, the State officers have declined the responsibility of receiving it. As it is at present unproductive, and would make an important addition to the school fund of the several counties, it is respectfully suggested that the proper steps be taken to make it a part of the next apportionment.

The amount of this fund outstanding on loan, on the 1st day of November, 1844, was \$14,590 03; between that date and the passage of the act of January 13, 1845, loans were made to the amount of \$800; there has been refunded during the last year the sum of \$568 38, which would leave outstanding at the close of the fiscal year ending October 31st, 1845, the sum of \$14,821 65.

SURPLUS REVENUE FUND.

The receipts and expenditures, on account of this fund, for the fiscal year ending October 31st, 1845, have been as follows, to-wit:

RECEIPTS.

Balance on hand November 1st, 1844,	-	-	-	\$340	35
Interest on loans,	-	-	-	272	58
Loans refunded,	-	-	-	55	00
Damages on sales of lands mortgaged to fund,	-	-	-	20	88
Costs of advertising refunded,	-	-	-	6	00
Total,	-	-	-	\$694	81

EXPENDITURES.

Amount distributed,	-	-	-	\$560	16
Damages on sales of lands mortgaged to fund,	-	-	-	20	88
Balance on hand November 1st, 1845,	-	-	-	113	77
Total,	-	-	-	\$694	81

The amount of this fund outstanding on loan, at the close of the fiscal year ending October 31st, 1845, was \$6,572.

CONGRESSIONAL TOWNSHIP FUND.

The receipts and expenditures, on account of this fund, for the fiscal year ending October 31st, 1845, have been as follows, to-wit:

RECEIPTS.

Balance on hand November 1st, 1844,	-	-	-	\$192	10
Loans refunded,	-	-	-	8	27
Interest on loans,	-	-	-	65	25
Total,	-	-	-	\$265	62

EXPENDITURES.

Amount distributed,	-	-	-	\$127	73
Balance on hand November 1st, 1845,	-	-	-	137	89
Total,	-	-	-	\$265	62

The amount of this fund outstanding on loan, at the close of the fiscal year ending October 31st, 1845, was \$1,139 73.

COMMON SCHOOL FUND DERIVED FROM SINKING FUND.

There have been received at the treasury, on account of this fund, in five per cent. treasury notes, the following amounts, to-wit:

During the fiscal year ending October 31st, 1841,	-	\$27,061	51
During the fiscal year ending October 31st, 1842,	-	29,476	32
During the fiscal year ending October 31st, 1843,	-	59,243	44
During the fiscal year ending October 31st, 1844,	-	77,062	51
During the fiscal year ending October 31st, 1845,	-	86,819	31
Total,	-	\$279,663	09

TREASURY FUND.

The receipts on account of this fund, during the fiscal year ending October 31st, 1845, have been as follows, to-wit:

Loans refunded,	-	-	-	\$147	52
Interest on loans,	-	-	-	56	62
Total,	-	-	-	\$204	14

The amount of this fund outstanding on loan, at the close of the fiscal year ending October 31st, 1845, was \$4,887 72.

As the laws regulating the sale of lands mortgaged to the different trust funds, and forfeited for failure to pay principal and interest when due, do not extend to this fund, most of the borrowers, as will be seen from the account of receipts, seem disposed to take their own time in making payment. The omission should be rectified by some legislative enactment, placing this fund on the same footing with the others.

COUNTY SEMINARY FUND DERIVED FROM MILITIA FINES.

The amount of this fund on hand on the 1st day of November, 1844, was - - - - - \$445 40

Since which time nothing has been received or expended. Under our present military *disorganization*, it is not probable that the fund will soon receive any considerable accessions.

FUND FROM ESTATES WITHOUT KNOWN HEIRS.

The amount of this fund in the treasury on the 1st day of November, 1844, was - - - - - \$2,264 44
Since which time there has been received the sum of 237 33

Total, - - - - - \$2,501 77
Of this fund, there has been refunded to claimants, during the year ending October 31st, 1845, - - 168 40

Balance in the treasury Nov. 1st, 1845, - - \$2,333 37

The 325th section, of chapter XXX, Revised Statutes of 1843, provides that "any *unknown* heir or legatee" may have the amount paid in refunded, by filing his petition in the probate court of the county in which the estate was settled, making the Auditor of Public Accounts a party thereto, and establishing his claim to the sum paid; but as no notice is required to be given to the Auditor, the provisions of the law are wholly nugatory as a protection to the interests of the State.

THREE PER CENT. FUND.

The amount of this fund on hand on the 1st day of November, 1844, was - - - - - \$8,529 41
During the fiscal year ending Oct. 31st, 1845, there has been distributed the sum of - - - 4,441 76
Balance on hand Nov. 1st, 1845, - - - \$4,087 65

There have been no receipts at the treasury, on account of this fund, for the last two years.

From the fund designated the "Indianapolis Fund," there have been no receipts during the fiscal year just terminated.

PUBLIC DEBT.

Tabular statements Nos. 1 and 2, prepared by my predecessor, under an act of the Legislature, from the registers belonging to this office, and submitted in his last annual report, contain all the information in reference to the sale of our State bonds, which it is in the power of this office to furnish. From these statements, it appears, that from August, 1832, until the passage of the act of January 27th, 1842, State bonds were issued to the following amounts, to-wit:

Internal Improvement bonds,	- - -	\$8,900,000
Wabash and Erie canal bonds,	- - -	1,727,000
State Bank bonds,	- - -	2,413,000
Surplus Revenue bonds,	- - -	294,000
Madison and Indianapolis railroad bonds,	- - -	456,000
Seven per cent. bonds issued to pay interest,	- - -	1,100,000
Lawrenceburgh and Indianapolis railroad bonds,	- - -	221,000

Total, - - - - - \$15,111,000

The amount of these bonds redeemed and cancelled, to the close of the present fiscal year, is as follows, to-wit:

Surplus Revenue bonds,	- - -	\$294,000
Promiscuous bonds, to-wit:		
From the Lawrenceburgh and Indianapolis railroad,	- - -	189,000
Received by Gov. Noble,	- - -	209,000
Received by Michael G. Bright,	- - -	155,000

Seven per cent. bonds signed but not issued, 1,064,000
 "Irregular bonds," - - - 700,000

Total, - - - - - \$2,611,000

Which would leave the amount outstanding on the 1st day of November, 1845, - - - - - \$12,500,000

The Agent of State has not yet made settlement of his accounts for the last fiscal year; but I have been informed by him that, since the date of his last report, he has received bonds to the amount of - - - 20,000

This sum being deducted from the foregoing amount, would leave the bonds outstanding at this time, - \$12,480,000
 Of this amount, the State bank pays the interest on - 1,390,000

Which would leave the amount now outstanding, for the payment of interest on which some provision will have to be made, - - - - - \$11,090,000

The amount of interest which will be due, on the 1st day of January next, on bonds outstanding, is as follows, to-wit:

On \$100,000 Wabash and Erie canal bonds, for five years, at six per cent., - - - - - \$30,000
 On \$36,000 at seven per cent., for three years and a half, - - - - - 8,820
 On \$10,954,000, for five years, at five per cent., - 2,738,500

Total, - - - - - \$2,777,320

Our whole foreign debt is then as follows:

Bonds on which the State *has* to pay interest, - \$11,090,000
 Bonds on which the Bank pays interest, - 1,390,000
 Interest which will be due January 1st, 1846, - 2,777,320

Total, - - - - - \$15,257,320

The following is the amount of interest falling due annually:

On \$100,000 at six per cent., - - - - - \$6,000
 On \$36,000 at seven per cent., - - - - - 2,520
 On \$10,954,000 at five per cent., - - - - - 547,700

Total, - - - - - \$556,220

The number of polls returned for 1844 from eighty-four counties, as shown in tabular statement No. 10, of my last annual report, was 112,338, and the total value of taxables, in the same counties, was

\$110,569,803. Since the date of that report, the six counties from which no reports had been received in time, have made returns showing the following amount of polls and taxable property, to-wit:

	Polls.	Taxables.
Allen, - - - - -	1,730	\$1,711,137
Cass, - - - - -	1,158	1,084,936
Dekalb, - - - - -	622	563,310
Madison, - - - - -	1,346	1,383,610
Noble, - - - - -	699	522,084
White, - - - - -	441	403,085
Total, - - - - -	5,996	\$5,668,162

These sums being added to the returns heretofore reported, would show the number of polls and value of taxable property in the State for 1844 to be as follows, to-wit:

Polls.	Taxables.
118,334	\$116,237,965

The returns for 1845, in consequence of the delinquency of some of the county auditors, are still more deficient than they were last year; but from an examination of those already received, the opinion is justified that the number of polls for 1845 will be increased about 6,000 over the returns for 1844, and the value of taxables about \$2,300,000. According to this *estimate*—and it is to be regretted that a full statement cannot *now* be officially made—the number of polls assessed in 1845 would be 124,334, and the value of taxable property \$118,537,965. Adopting these amounts as the basis of calculation, and supposing our treasury note circulation absorbed, the following statements will show the amount that would probably be realized, under different rates of taxation, as a fund to be appropriated to the payment of interest on our public debt.

An assessment of 50 cents on each poll, supposing the number of polls to be, in round numbers, 124,000, would give, - - - - - \$62,000
 An assessment of 20 cents on each \$100, of taxables, setting down the amount at \$118,000,000, would give, - - - - - 236,000
 Add for delinquencies for former years collected, - 35,000

Total, - - - - - \$333,000
 Deduct from this amount,
 Delinquencies on the assessments for the year, - - - - - \$50,000

Costs for collection,	-	16,000
Annual ordinary expenditures of the State,	-	75,000
Total,	-	141,000
Surplus in the treasury,	-	\$192,000
An assessment of 50 cents on each poll, and 25 cents on the \$100 of taxables, would give	-	\$357,000
Delinquencies of former years collected,	-	35,000
Total,	-	\$392,000
Deduct for delinquencies on \$357,000	\$60,000	
Costs of collection,	-	17,000
Annual expenditures of the State,	-	75,000
Total,	-	\$152,000
Surplus in the treasury,	-	\$240,000
An assessment of 50 cents on each poll, and 30 cents on each \$100 of taxables, would give,	-	\$416,000
Delinquencies of former years collected,	-	40,000
Total,	-	\$456,000
Deduct for delinquencies on \$416,000	\$70,000	
Costs of collection,	-	18,500
Annual expenditures of the State,	-	75,000
Total,	-	\$163,500
Surplus in the treasury,	-	\$292,500
An assessment of 50 cents on each poll, and 35 cents on the \$100 of taxables, would give	-	\$475,000
Delinquencies of former years collected,	-	45,000
Total,	-	\$520,000
Deduct for delinquencies on \$475,000,	\$80,000	
Costs of collection,	-	19,500
Annual expenditures of State,	-	75,000
Total,	-	174,500
Surplus in the treasury,	-	\$345,500

An assessment of 75 cents on each poll and 40 cents on the \$100, would give	-	\$565,000
Delinquencies of former years collected,	-	50,000
Total,	-	\$615,000
Deduct delinquencies on \$565,000,	-	\$95,000
Costs of collection,	-	20,500
Annual expenses of State,	-	75,000
Total,	-	\$190,500
Surplus in the treasury,	-	\$424,500

To meet the whole annual interest account, there would be required a levy of fifty cents on each poll, and sixty cents on each hundred dollars of taxable property, even should the *ratio of delinquency* remain the same as above estimated; this, however, cannot reasonably be anticipated. The resources of our people remaining the same, it must be evident that so large an advance in the rate of taxation *must* be attended with a heavy increase of the taxes returned delinquent.

In the event that the Wabash and Erie canal should be completed to Evansville, out of the proceeds of the lands donated by the General Government for that purpose, it is supposed by many persons, whose acquaintance with subjects of this kind entitles their opinions to great respect, that the profits of the work will obviate, to no small extent, the necessity of a resort to direct taxation. Traversing as that work will for nearly four hundred miles, a region of country unrivalled in the fertility of its soil, and rapidly filling up with an enterprising and industrious population, for the surplus produce of whose labor a ready access to market will thus be opened, it is believed that this canal, when once completed, will compare favorably, in point of business done and profits realized, with any similar improvement in the United States.

SIX PER CENT. TREASURY NOTES.

The Legislature, at the session of 1839-40, by an act, which went into effect on the 15th day of February, 1840, providing for the relief of contractors and others engaged on the public works, directed the issue of treasury notes to the amount of one million and a half of dollars, bearing six per cent. interest, and receivable in payment of taxes. Under that act, treasury notes were issued as follows, to-wit:

Amount issued to October, 1840,	-	-	\$1,289,000
Amount issued to December, 1840,	-	-	43,000
Amount issued to October, 1841,	-	-	121,000
Amount issued to August, 1842,	-	-	47,000

Total, - - - - \$1,500,000

Of this amount there were cancelled,

June 2, 1841,	-	-	\$147,700
September 19, 1843,	-	-	398,565
January 11, 1844,	-	-	200,525
January 31, 1845,	-	-	114,540

Total, - - - - \$861,330

Amount outstanding January 31st, 1845,	-	-	\$638,670
The amount received during the last fiscal year, as reported by the Treasurer of State, is	-	-	147,235

Amount outstanding at this date, - - - - \$491,435

The amount of interest allowed on these notes when received at the treasury, was as follows, to-wit:

Amount allowed on those cancelled June 2, 1841,	-	\$4,403 84
Amount allowed on those cancelled Sept. 19, 1843,	-	28,910 33
Amount allowed on those cancelled January 11, 1844,	-	28,358 00
Amount allowed on those cancelled January 31, 1845,	-	22,659 90

Total to January 31, 1845, - - - - \$84,332 07

Amount allowed on those received during the year 1845, as reported by the Treasurer of State, - 36,346 00

Total to this date, - - - - \$120,678 07

The total payments on account of six per cent. treasury notes have then been:

On account of principal,	-	-	\$1,008,565 00
On account of interest,	-	-	120,678 07

Total, - - - - \$1,129,243 07

FIVE PER CENT. TREASURY NOTES.

Under the act of January 31, 1842, providing for the payment of the debt to the bank on account of advances for internal improvement purposes, five per cent. treasury notes were issued to the amount of - \$722,640 00

Of these notes, there were cancelled

Sept. 19, 1843,	-	\$46,350 00
Cancelled January 11th, 1844,	-	91,990 00
Cancelled January 31st, 1845,	-	72,405 00

Total to January 31st, 1845, - - - - \$210,745 00

Outstanding January 31st, 1845, - - - - \$511,895 00

The amount received during the last fiscal year, according to the report of the Treasurer of State, is 70,570 00

Outstanding at this date, - - - - \$441,325 00

The following amounts of interest have been allowed on these notes, when received at the treasury:

On those cancelled prior to November 1st, 1843,	-	\$315 76
On those cancelled January 11th, 1844,	-	3,823 52
On those cancelled January 31st, 1845,	-	4,673 51

Total to January 31st, 1845, - - - - \$8,812 79

Amount allowed on those received during the last fiscal year, as reported by the Treasurer of State, 10,229 31

Total to this date, - - - - \$19,042 10

The entire payments on account of five per cent. treasury notes have then been:

On account of principal,	-	-	\$281,315 00
On account of interest,	-	-	19,042 10

Total, - - - - \$300,357 10

The entire debt of the State, both foreign and domestic, may be summed up as follows, to-wit:

Bonds on which the State has to pay interest,	-	\$11,090,000
Bonds on which the bank pays interest,	-	1,390,000
Interest which will be due January 1st, 1846,	-	2,777,320
Six per cent. treasury notes outstanding,	-	491,435
Interest now due on six per cent. treasury notes, (estimated),	-	147,000
Five per cent. treasury notes outstanding,	-	441,325
Interest now due on five per cent. treasury notes, (estimated),	-	69,000
Loans from the bank, under act of January 15, 1844,	-	56,000

\$16,462,080

The amount of interest to be paid annually on the foregoing debt is as follows, to-wit:

Interest on bonds as above stated, - - -	\$556,220
Interest on six per cent. treasury notes, - - -	29,486
Interest on five per cent. treasury notes, - - -	22,066
Total, - - - - -	<u>\$607,772</u>

Thus it will be seen, that the faith of the State stands pledged for the ultimate payment of a debt nearly equal to one-seventh of the value of all its taxables, and for the payment of an annual interest account about equal, at this time, (without including the interest falling due on the bank bonds,) to one half of one per centum of the value of all its taxable property. Such an amount of indebtedness is well calculated to excite in the mind of every one having the prosperity of the State at heart, the most painful forebodings; but gloomy as the future undoubtedly is, the path of honor is still clearly discernible; and with a steady determination on the part of our people and their representatives to walk in it, we need not give up all hope of final extrication from our perilous position. Between duty and disgrace, a State like ours cannot hesitate to choose. Without asking impossibilities from our people, or grinding them to the dust with ruinous and oppressive taxation, leading to a loss of all respect for their government and laws, we may still furnish the world with evidence, that "we regard the slightest breach of plighted faith as exhibiting a want of that moral principle upon which obligations depend," and that in our opinion any State which may refuse to acknowledge the sanctity of just obligations, "will have forfeited her station in the sisterhood of States, and no longer be worthy of their confidence and respect." And it would be fortunate for the reputation of the State, as well as gratifying to our creditors, should this evidence consist, *hereafter*, of some definite *action*, rather than *general expressions of legislative opinion*. No time could be more propitious for such *action* than the present; each year that passes by without some provision being made for our public debt will add heavily to its weight; and should we continue to shrink from the assumption of just responsibility, the time cannot be far distant when even the *hope* of relief will be lost. As yet, there is nothing in the past that need excite a sense of humiliation. Reproaches from *certain quarters* have not been wanting, but happily for the character of the State, it has been found less difficult to indulge in denunciatory epithets, than to find the evidence that would justify their use. In the last four years, the State of Indiana has raised, by a direct tax upon the persons and property of her citizens the sum of \$1,156,000, besides defraying the expenses of collection, which may be estimated at \$70,000 more—thus making the requisition upon the tax-paying population amount to more than \$300,000

per annum. During the same period she has contributed towards the payment of her debt, existing in the shape of six per cent. treasury notes, as will be seen by reference to a preceding part of this report, upwards of eleven hundred thousand dollars—a fact to which her people may proudly appeal in vindication of the fair fame of the State from the odium of repudiation. Her obligations to her own citizens, to the amount of more than two millions of dollars, have, in the embarrassed state of her finances, not only justified but rendered imperative, a temporary postponement of the claims of her foreign creditors; under like circumstances, such has been the policy of all governments, and it is too sound in principle and too well fortified by precedent, to be a proper ground for censure; but our domestic debt having been reduced to a comparatively inconsiderable amount, the cheering prospect is now presented, that there must soon accumulate in the treasury, even under our present rate of taxation, a fund, which if not sufficient fully to meet all just demands on account of our public debt, may serve, in connection with other resources, as a basis for some arrangement with the holders of our bonds, acceptable to *them* and not dishonorable to *ourselves*. And having once agreed upon some mutually satisfactory principles of adjustment, we may safely trust that, with an economical government and a law-abiding and faith-preserving people, the credit of our State will again be restored, her honor forever placed beyond the reach of suspicion, and the tide of population that is now sweeping beyond our borders be stayed in our midst, and its energies directed to the further development of our resources.

PUBLIC WORKS.

The statements of receipts and expenditures on account of the White Water canal, the Southern Division of the Central canal, the Lafayette and Indianapolis road, and the improvement of the Wabash rapids, having undergone no change during the last fiscal year, it is deemed unnecessary to repeat the information, in reference to these works, contained in the last annual report from this office.

CENTRAL CANAL—NORTHERN DIVISION.

The amount expended on this work prior to Nov. 1st, 1844, was - - - - -	\$845,626 49
During the last fiscal year there has been audited,	
On account of construction, - - - - -	657 82
On account of repairs, - - - - -	1,858 14
On account of land purchased for the use of water power, - - - - -	1,052 00
Total, - - - - -	<u>\$849,194 45</u>

The amount received on account of this work, for tolls and water rents, prior to Nov. 1st, 1844, was	\$9,102 92
Amount received during the last fiscal year (water rents),	1 232 41
Total,	<u>\$10,335 33</u>

In reference to the item of \$1,052, paid for land purchased for the use of water power, it may not be improper to remark, that it was audited under a contract made by the former Secretary, Auditor, and Treasurer of State, acting as a board of internal improvement. The expenditures for 1844 were not brought on the books of this office prior to the date of my last annual report; and the amount reported as above, for construction and repairs, consequently covers the expenditures, for those purposes, for the last two years.

Much complaint has been indulged in, by some of the lessees of water power on this canal, on account of the alleged inadequacy in the supply of water during certain portions of the year. From the facts which have been submitted to the board, it is supposed that these grievances have not been as serious as they have been represented; but even if they were, the failure of lessees to pay their rents as they fell due, placed it beyond the power of the proper authorities to afford the necessary relief.

Under the provisions of the Revised Statutes (section 253, Chapter XII.), the superintendence of all the public works belonging to the State, with the exception of the Wabash and Erie canal, and the New Albany and Vincennes road, is devolved upon the Secretary, Treasurer, and Auditor of State, who are vested with power to appoint agents to take charge of such works. The amount of other business of pressing necessity, which those officers have to perform, renders it impossible that they can give any thing like adequate attention to the duty imposed upon them by this law; and it is believed that strict principles of justice do not require that they and their sureties should be held responsible, in damages, for the acts of subordinates, from whom they have no *legal* right to exact security for the faithful performance of delegated duty. I would, therefore, respectfully recommend that the Central canal be placed upon the same footing with the works excepted from the provisions of the above section of the Revised Statutes, and that a suitable agent be elected by the Legislature, to take charge of the work, under the responsibility of an official oath and proper bond and security.

JEFFERSONVILLE AND CRAWFORDSVILLE ROAD.

The amount expended on this road prior to November 1st, 1844, was	\$336,942 13
Amount expended during the last fiscal year,	3 00
Total,	<u>\$336,945 13</u>

This work has never yielded any thing to the State, and as it never will, the above amount may be regarded as a total loss to the State Treasury.

ERIE AND MICHIGAN CANAL.

The amount expended on this work prior to November 1st, 1844, was	\$155,429 77
Amount expended during the last fiscal year,	19 33
Total,	<u>\$155,449 10</u>

This work has not *yet* yielded any thing to the State.

CROSS-CUT CANAL.

The amount expended on this work prior to November 1st, 1844, was	\$435,856 82
Amount expended during the last fiscal year,	175 00
Total,	<u>\$436,031 82</u>

This work was surrendered to a private company before it commenced yielding a revenue to the State.

MADISON AND INDIANAPOLIS RAILROAD.

The amount expended on this work prior to November 1st, 1844, was	\$1,624,558 05
Amount expended during the last fiscal year,	45 00
Total,	<u>\$1,624,603 05</u>
The amount that has been received from this work, up to this date, on account of tolls, is	63,182 37
Excess of expenditures over receipts,	<u>\$1,561,420 68</u>

The amount of stock held by the State in the Madison and Indianapolis railroad company is \$8,198 31.

NEW ALBANY AND VINCENNES ROAD.

The amount expended on this work prior to November 1st, 1844, was	\$681,192 70
Amount audited during the last fiscal year,	820 78
On account of construction,	

On account of repairs, - - - -	3,218 76
On account of incidental expenses, - - - -	1,535 75
Total, - - - -	<u>\$686,767 99</u>

The amounts above audited since November, 1844, cover the expenditures for the last two years.

The amount received from this work prior to November 1st, 1844, on account of tolls, was - - -	\$11,998 35
Amount received during the last fiscal year, - - -	5,564 51
Total, - - - -	<u>\$17,562 86</u>

WABASH AND ERIE CANAL EAST OF TIPPECANOE.

The amount expended on this work prior to November 1st, 1844, was - - - - \$2,642,629 42

Amount audited during the last fiscal year,	
On account of construction, - - -	\$18,951 42
On account of repairs, - - -	93,984 36
On account of incidental expenses, - - -	5,633 07
On account of damages, - - -	810 95
On account of land for use of water power, - - -	350 00

Total for 1845, - - - - 119,729 80

Total to November 1st, 1845, - - - - \$2,762,359 22

The following amounts audited to the late commissioner on the eastern division of the canal, under the act of January 6th, 1845, were for expenditures from October, 1843, to March, 1844.

On account of construction, - - - -	\$7,870 00
On account of repairs, - - - -	13,973 96
On account of incidental expenses, - - - -	2,034 46
On account of land for use of water power, - - - -	350 00
Total, - - - -	<u>\$24,228 42</u>

The amount audited to the present superintendent, on account of expenditures from February 14, 1844, to December 1st, 1844, is as follows, to-wit:

On account of construction, - - - -	\$11,003 09
On account of repairs, - - - -	80,010 40

On account of incidental expenses, - - - -	2,641 67
On account of damages, - - - -	810 95
Total, - - - -	<u>\$94,466 11</u>

The vouchers for expenditures for the last fiscal year have not yet been presented: but requisitions to the amount of \$89,500 have already been drawn on the treasury, and I have recently been informed that \$20,000 more will be required to meet outstanding claims—thus making the expenditures, in one year \$109,500. This sum is larger by \$40,000 than the amount of tolls thus far reported to this office for 1845, and probably \$30,000 more than will be the entire receipts from the opening to the close of navigation. That a work which has been confidently looked to as a source of revenue, should, under the favorable circumstances surrounding it for the past year, have thus incurred an actual debt, must be a matter of deep regret to the friends of the canal, as well as of any system of internal improvement. One of the causes that have led to this result must now be evident to every one conversant with the operations of the canal for the last two years, and it may not be improper in me to call the subject to the attention of the legislature. Since the passage of the act of February 8th, 1843 (Chapter XXVI., Gen. Laws), all payments on account of tolls and water rents have been made in scrip issued for the construction of the Wabash and Erie canal west of Tippecanoe, and the eastern division has, therefore, been deprived of all available funds from those sources, to meet its necessary expenses. To provide for the payment of these expenses, resort has been had to the issue of a scrip made receivable for principal and interest of sales of lands east of Tippecanoe. This latter species of scrip—commonly known by the appellation of "White Dog"—has circulated at a depreciation of from forty to sixty per cent.; and all contracts for construction and repairs having been made, in reference to the market value of the currency in which payments were to be made, the expenditures for those purposes have consequently been some fifty per cent. more than they would have been had the disbursements been made in par funds. We have thus contributed, to the construction of the Wabash and Erie canal west, not only the entire tolls and water rents of the eastern division, amounting to at least \$75,000 per annum, but also some \$50,000 out of the fund belonging to that division. Whether this practical operation of the act of 1843 is consistent with the provisions of the law of 1842, providing for the extension of the canal, or with the solemn pledges which had been made, in former laws, to the purchasers of our Wabash and Erie canal bonds, it is the peculiar province of the legislature to examine and decide.

The amount received on account of this work prior to
November 1st, 1844, was - - - \$723,937 13

Amount received during the last fiscal year,

On account of sales of lands (principal)	\$116,794	66
On account of interest on sales,	-	32,601 85
On account of tolls, - - -	-	70,639 78
On account of water rents, - - -	-	8,122 81
On account of penalties for violation of canal law, - - -	-	40 00
Miscellaneous receipts, - - -	-	117 76

Total for 1845, - - - 228,316 86

Total to November 1st, 1845, \$952,253 99

Of the amount received for tolls, the sum of \$37,002 47 was paid in on account of tolls collected during the year 1844, which would make the amount collected in that year \$67,597 33. It will be seen by reference to the statements showing the amount of business done, so far as reported to this office for 1845, that the tolls collected have been \$66,587 59, which sum will probably be increased by the returns yet to be received, to \$75,000. The payments on account of water rents, in the course of the fiscal year just terminated, have been comparatively heavy, but the arrearages, on this account, are yet very large, and further legislative action is perhaps needed, to enforce payment. The report, required to be made to this office, by the superintendent, under the act of January 13th, 1845 (Chapter LXI.), of the amount due for water rents, the quantity of power used, the price paid, &c., has not been received, but information as to these subjects will probably be submitted by him to the legislature, in his next annual report.

The number of acres of land belonging to this canal, sold prior to September, 1844, was 316,261.12, since which time there have been sold, to May 31st, 1845, 26,933.51 acres, making the whole number of acres sold, as far as reported to this office, 343,194.63; the amount for which this land was sold is \$838,337 69, being at the rate of \$2 41 per acre. The amount paid on account of principal, to May 31st, 1845, is \$421,226 80, which would leave the amount of principal still due \$417,110 89; the entire amount received on account of interest, to May 31st, 1845, is \$233,309 58; the receipts for principal and interest (after deducting \$139 07 refunded), have therefore been \$654,397 31.

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